

JOURNAL
OF THE
Commons House of Assembly
OF
South Carolina


November 15, 1726—March 11, 1726 / 7

Dar. Rm.
F272
S72
Nov. 1726/
Mar. 1727

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South Carolina (Colonial) Assembly

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OF THE
Commons House of Assembly
OF
South Carolina

November 15, 1726—March 11, 1726/7

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F272
S7a
Nov. 1726/
Mar. 1727

Tuesday the 15th day of Novemb^r: 1726.

The Hon^{ble}: the Speaker & the following members mett according to adjournment.

| | | |
|-------------------------------|-----------------|-----------------------|
| John Lloyd | William Rhett | } Esq ^{rs} : |
| Tho ^s : Hepworth | Samuel Eveleigh | |
| Benj ^a ., Whitaker | Robert Hume | |
| Tho ^s : Barton | | |

The Speaker adjourn'd the house till tomorrow morning ten of the Clock.

Wednesday morning the 16th day of Nov^r: 1726.

The house mett according to adjournment & adjourn'd till three of the Clock in the afternoon

The house mett according to adjournment

The house adjourn'd till to morrow morning nine of the Clock

Thursday the 17th day of November 1726.

The house mett according to adjournment

Coll^o: Hall & Cap^t: Saunders were directed to waite on the President & to acquaint him the house was mett according to adjournment.

Order'd that the Orders of the house be read w^{ch}: were read accordingly

The following message was order'd to be sent to his Hon^r: the President & John Lloyd William Dry & Peter St^t: Julien were appointed a Com[']ittee to meet a Com[']ittee of his Majesties Council on the Subject of the same.—

May it please y^r., Hon^r:

We desire that your Hon^r: will be pleas'd to lay before this house all such letters as you have rec'd from his Excell^y: the Govern^r: of New York or any other persons relating to the Indians who have had the insolence to kill our Friendly Indians in the settlement & as this house has appointed a Com[']ittee to take that affair under Consideration, We desire a Com[']ittee of his Majestie's Council may allso be appointed for that purpose.

Tho^s: Broughton Speak^r:

Sent up by Maj^r.. Hepworth & Cap^t: Heyward—

2-14-47 Sen. Rec. - Darl.

Mr: Sec^{ry}: Hart brought from his Hon^r: the President the following message & several Journals & other papers relating to the Agents among the Indians.

Mr: Speak^r., & Gentⁿ.,

Herewith I send you the several Letters I have rec^d from Coll^o: Chicken & Cap^t: Fitch our Agents with the Cheerokee & Creek Indians, on your perusal of w^{ch}: I desire your advice & Opinion that I may dispatch the message back as soon as possible.

17 Nov^r: 1726.

Ar,, Middleton

Mr: Sec^{ry}: Hart brought from his Hon^r: the President two letters to his Hon^r: concerning the late murder of one of our Friendly Indians by the Senecas, the one from Coll^o: Maurice Moore and the other from Coll^o: Jon^a: Drake the letters & papers relating to the Indian affairs was read.

Order'd that a Com[']tee of Grievances be appointed & that the following Gentⁿ: be of the s^d: Com[']tee & that they have power to send for Persons Papers & Records—George Smith Esq^r: Coll^o: Arthur Hall Cap^t: William Dry Mr: Tho^s: Smith & Coll^o: John Herbert.

Order'd that all Com[']tees be Revived.

Order'd that the following Gentⁿ: be appointed a Committee to examine into the accounts of the Com[']iss^{rs}: appointed to exchange the bills, Mr: Rhett Mr: Barton and Mr. Whitaker The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment.

Order'd that all the absent Members of this house be forthwth:

Sum[']oned to attend the service, by the messenger of the h^o: On motion the Question was put whether a Publication should be made by the Clerk of this house giving notice that all persons that have any petitions lying before this house may now attend this house being sitting.

Carryed in the affirmative.

Order'd that the Clerk of this house do give Public Notice to all persons that have any demands on the Publick of this Province that they im[']ediately bring the said accounts to him in order to lay the same before the h^o:

Order'd that Thomas Hepworth Esq^r: be added to the Com[']tee appointed to Audit the Treasurers accounts.——

Order'd that the following message be sent to his Hon^r: y^e
Presid^t:

May it please y^r., Hon^r:

On perusing the several Journals letters & papers which your Hon^r: has rec'd from Coll^o: Chicken and Cap^t: Fitch our Agents amongst the Indians, We are of opinion that as We may expect him so soon in the Settlements there is not any thing materialy necessary to be wrote to them at present We therefore return your Hon^r: the said Letters and papers.

Tho^s: Broughton Speak^r:

The above message sent up by Coll^o: Herbert & M^r: Barton who were directed to desire his Hon^r: to lay before this house any letters & papers that he hath rec'd from Great Britain relating to the affairs of this Province.

Order'd that the following message be sent to his Hon^r: y^e
Presid^t:

May it please y^r., Hon^r:

We desire that your Hon^r: will be pleas'd to lay before this house all letters that your Hon^r: has rec'd from Great Britain relating to the affairs of this Province.

Tho^s: Broughton Speak^r:

Sent up by Coll^o Herbert & M^r: Barton

The house adjourn'd till to morrow morning nine of the Clock

Friday morning the 18th day of November 1726

The house mett according to adjournment.

Cap^t: William Dry a member of this house desir'd leave to lay before the house several papers which came to his hands & having the leave of the house so to do he deliver'd in at the table the follow^g: papers Viz^t:

Proposals Grievances &^{ca}:

An Essay on Indian Trade.

An Essay towards settling the Indian Affairs humbly offered to the Hon^{ble}: the Speak^r: & the rest of the Hon^{ble}: the members of the Com[']ons house of Assembly——

The foregoing papers were read & the Essays on the Indian affairs referr'd to the Com[']ittee on Indian affairs & the proposalls and Grievances to the Com[']ittee of Grievances.

M^r: Sec^{ry} Hart brought from his Hon^r: the Presid^t: y^e follow^g: message

Mr: Speaker & Gentⁿ:

Upon sending the last express to Coll^o: Chicken at the Cherokees I agreed to pay John Chester fifty pounds Current money for that purpose, I therefore recomend to you that an order may be im'ediately pass'd that the s^d: money may be pay'd him he waiting now in town on purpose.

Nov^r: the 18th 1726.

Ar,, Middleton

The Speaker laid before the house a Letter from his Excell^y: Fra^s Nicholson Esq^r: Gov^r: of this Province to the Hon^{ble}: the President & several other letters from Fra^s Yonge Esq^r: & Mr: John Sharp a Sollicit^r., to the President & an account of the s^d: Sharp for Solliciting the affairs of this Province all w^{ch}: letters & papers were read.

George Smith Esq^r: laid before the house proposals of Nicholas Trott Esq^r: for perfecting the last Collection of the Laws of this Province of S^o: Carolina fitt for the Press w^{ch}: was read and Com'itted to the following Gentⁿ: Viz^t:

Mr: Geo: Smith Mr: Whitaker & Coll: Hall.

The following message was Order'd to be sent to his Hon^r: the President & the several letters & papers laid before this house by his Hon^r: to be return'd.

May it please y^r., Hon^r:

The house having read the several Letters from his Excell^y: the Gov^r: Mr Yonge & Mr: Sharp to your Hon^r: which you have been pleas'd to com'unicate to us, We observe that there are many things in them contained which very much require the Consideration of the General Assembly We therefore desire that you will be pleas'd to lay Copys before us of Mr: Sharps & Mr: Yonge's letters to your Hon^r: & their acc^{ts}: & of the L^d's: Proprietors' petition to his Majesty & of Mr: Shelton's memorial.

Tho^s: Broughton Speaker

Cap^t: William Dry from the Com'ittee appointed to meet a Com'ittee of his Majesties Hon^{ble}: Council on the affairs of the Seneca Indians made the following Report

The Com'ittee appointed to meet a Com'ittee of the Council on the affairs of the Seneca & Tuscarora Indians now lurking about the Frontier Settlements do Report.

That all our Friendly Indians living within the settlements be advised to retire im'ediately with their families to some proper place of security there to remain until such time as it is thought the Senecas may be return'd home.

That in the meantime they be supplied with Indian Corn sufficient for their Subsistance at the Publick charge.

That the President be desir'd by the first Oppertunity to write to the Govern^r: of New York to know from him when it may be proper to send an Agent there to treat with those Indians & to desire his assistance.

And that when an Answer arrives from the Gov^r: of N: York & it be found Convenient there be an Agent dispatched with full powers, & a suitable present to conclude a treaty with those people in favour of our Friendly Indians.

The above Report was read & taken under consideration & after being agreed to with Amendments the following message was order'd to be sent to his Hon^r: the President.

May it please y^r., Hon^r:

The Report of the Com[']tee on the affairs of the Seneca Indians having been read & consider'd in this house is herewith sent to y^r: Hon^r: agreed to with some amendments and We desire that your Hon^r: will be pleas'd to write im[']ediately to the Govern^r: of New York on that affair so favourable an opportunity offering as a Sloop sailing to day or to morrow

Tho^s: Broughton Speak^r:

The above message sent up by Capt: Dry & M^r: St: Julien

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment

Order'd that Alex^r: Parris Esq^r: Treasurer do pay out of the Publick Treasury of this Province unto John Chester for his going with an express to Coll^o: Chicken at the Cherokee Nation according to his Hon^r: the President's Agreement with him the Sum of fifty pounds, And that this order be sent to his Hon^r: the President and his Majesties Hon^{ble}., Council for their Concurrence & that the Speaker do sign the same.

Order'd that the following message be sent to his Hon^r: y^e: Presid^t:

May it please y^r Hon^r:

This house having appointed two Committees the one to Audit the Treasurer's accounts & the other the accounts of the Com[']iss^{rs}: appointed to exchange the old bills, We desire that Com[']tees of his Majesties Hon^{ble}: Council may be appointed to join our Com[']tees on those affairs.

Tho^s: Broughton Speak^r:

The above message & Chester's order sent up by Mr. Barton and Mr: Mairant.

The house took under Consideration the Petition of the Lords Proprietors to his Majesty & Mr: Sharps remarks on the said petition & some debates arrising thereon the following Gentⁿ: were appointed a Com'ittee to take the same under considera'on Viz^t., Mr: Lloy'd Mr: Whitaker & Mr: Smith.

The several Com'ittees attended the matters they had in charge
The house adjourn'd till to morrow morning nine of the Clock

Saturday morning the 19th day of Nov^r: 1726.

The house mett according to adjournment

Order'd that the following message be sent to his Hon^r: y^e Presid^t:

May it please y^r., Hon^r:

We had yesterday under Consideration the L^{ds}: Propriet^{rs}: petition to his Majesty & referr'd the same to a Com'ittee, & as We esteem this matter to be of the last consequence to this Province, We are of Opinion that no time should be lost in making a proper answer to the same We therefore desire that a Com'ittee of his Majesties Hon^{ble}: Council may be appointed to meet our Com'ittee on that affair

Tho^s: Broughton Speaker

The above message sent up by Mr: Barton & Cap^t: Saunders.

Order'd that John Lloyd & Samuel Eveleigh Esq^{rs}: do prepare the Tax bill in order to be lay'd before the house

Mr: Sec^{ry}: Hart brought from his Hon^r: the President the following message.

Mr: Speaker & Gentⁿ:

Pursuant to your message yesterday, I have appointed the Hon^{ble}: Coll^o: W^m: Bull & Benja: DeLaConseillere Esq^{rs}: to be a Com'ittee to Audit the Treasurer's accounts & the Hon^{ble}: Benja: Schenkingh Esq^r: of the Com'ittee to Audit the accounts of the Com'iss^{rs}: appointed to exchange the Old bills; Upon reading Maj^r: Durham's last letter I find he complains for want of horses and saddles for the Expresses therefore desire you will im'ediately order him to be supplied, the messenger that is now going up wants a horse & if you desire it I will buy him one to dispatch him away.

Nov^r: 19th. 1726.

Ar., Middleton——

A Letter from Mr: Thomas Gadsden Collect^r: of his Majesties Customs was layd before the house & read proposing proper encouragem^{ts}: to be given for the Planting Hemp in this Province & the s^d: Mr: Gadsden having sent a sample of some Hemp which he had made, the house

Order'd that the Hemp should be brought in & having inspected the same the s^d: Letter was referr'd to a Com^{it}tee & the thanks of the house Order'd to be given to Mr: Gadsden for his proposalls which may tend greatly to the Advantage of this Province & Mr: Rhett & Mr: Izard were order'd to return him the thanks of the house accordingly.

The Com^{it}tee on the s^d: proposals are Mr: Rhett Mr: Mairant & Coll^o: Palmer

Order'd that the following message be sent to his Hon^r: the President in answer to his message of this morning

May it please y^r., Hon^r:

Since you are pleased to say you will take the trouble of buying a horse for the messenger to go unto the Savanno Town, We desire that you will allso be pleas'd to purchase a bridle & saddle & that the messenger have orders to deliver them to Maj^r: Durham for the use of the Garrison.———

Tho^s: Broughton Speaker

The above message sent up by Mr: Lloyd & Mr: George Smith. The petition of Daniel M^c.,Farland was read & referr'd to the Com^{it}tee of Petitions and accounts.

The house adjourn'd til four of the Clock in the afternoon next munday———

The Speaker not being present, Tho^s: Hepworth Esq^r: was chosen Chairman was as the Act directs in that case adjourn'd the house til to morrow morning ten of the Clock.

Tuesday morning the 22^d day of November 1726

The house mett according to adjournment

The Clerk lay'd before the house a paper directed to him which he was desired to Communicate to the house which was order'd to be read & the same being read it was referr'd to a Com^{it}tee.

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment.

Mr: Sec^{ry}: Hart brought from his Hon^r: the President a letter to him directed from his Excell^y: William Burnett Esq^r: Govern^r: of New York relating to the Tuscarora and Seneca Indians w^{ch}: letter was read.

Order'd that Mr. Eveleigh be added to the Com^{it}tee on the Indian affairs.

John Lloy'd Esq^r: from the Com^{it}tee to whom the petition of the L^{ds}: Prop^{rs}: was referr'd made the following Report which Report being read and taken under consideration Paragraph by Paragraph it was agreed to with amendments——

The Com^{it}tee of both houses appointed to consider of the L^{ds}: Proprietors memorial to the King & of the letters lately Rec'd from England relating to the affairs of this Province Report

That the L^{ds}: Prop^{rs}: by their memorial to the King, Pray First that his Majesty should direct the Govern^r: of S^o: Carolina to Assist them in their demands of their just dues & Rights by their Charter especially in recovering their Quit rents & in case of any difference between the L^{ds}: Proprietors Officers & Planters in collecting the Quit Rents the same should be im^{ed}iately heard & determin'd according to the Custom & Laws of the Province & that Justice should be equally & impartially administered & if a Register were establish'd wherein the Grants already made & those hereafter to be made should be enter'd & the quantity of Lands & the reserved Rent expressed it would put an end to all disputes.

Secondly that the Govern^r: be directed to continue such Officers as their Lords^{ps}: by their Charter have power to appoint in their Respective employments during their good behaviour & to continue & protect them while they justly perform their Duties.

Thirdly that the Gov^r: be directed to turn out from their Lords^{ps}: Lands such of the Inhabitants as since the Revolution have possess'd themselves thereof without any Right or Claim & that have cut down great Quantities of Wood & Timber thereof to the great dam'age of the Proprietors. Your Com^{it}tee are at a loss to know why their Lords^{ps}: apply for what is contain'd in the first paragraph of their memorial because it is so natural for his Majesty not to interfere in the interest or Rights of his Subjects as to have upon all occasions used his Royall authority

to have Justice impartially administer'd & there is a Strong article for that purpose in the Instructions of the Provisional Govern^r: of this Province & that Lords^{ps}: being Prop^{rs}: of this Province in the opinion of your Com^{it}tee gives them no preference in point of Justice or the King's Protection to the meanest of their tenants. but should his Majesty grant such an additional Instruction are their desire, your Com^{it}tee are of Opinion that the Provisional Govern^r: would thereby be Oblig'd to Surrender the Govern^t: as soon as he rec'd it, for what their Lords^{ps}: apply for is assistance in their demands of their just dues & Rights by their Charter & as they claim a Right of appointing a Gov^r: by it the Com^{it}tee apprehend the King in his great Wisdome will not grant any extraordinary assistance or influence whereof an use may be made very much to the Oppression of his Loyall Subjects in this Province, as to the Register propos'd to be establish'd in this paragraph the Com^{it}tee apprehend that the Office establish'd by the General Assembly for Registering of Deeds Conveyances answers the end of it.

The Com^{it}tee are of opinion that it is inconsistant with the Kings Prerogative to permitt their Lords^{ps}: to have the appointment: of any Officers under his Govern^t: excepting such as are necessary for them in disposing of their Lands & in collecting of their rents but as We apprehend they include the Cheif Justice & the other Justiciary officers of this Province under this second paragraph your Com^{it}tee never rec'd nor heard of such another Govern^t: as this would be under a Govrn^r: appointed by the King & all the other officers by the Prop^{rs}: to grant what their Lords^{ps}: pray by this Paragraph would be as Derogatory of the Kings' Hon^r: as it must be oppressive to his people, so that your Com^{it}tee cannot im'agine it will be granted.

The third & last paragraph of the memorial prays the Provisional Govern^r: may be instructed to turn out of their Lords^{ps}: Lands such of the Inhabitants as since the deposing of their Govern^r: possessed themselves thereof without any Right, your Com^{it}tee know not of any body that has done so since that time but since their Lords^{ps}: run out their Barronies Without settling them it may be some few poor people that were not able to buy Land of their Lords^{ps}: before they shut up their Land Office & perhaps a few allso for that reason since have settled upon some part of those Barronies in the out settlem^{ts}: & they will no

doubt quit the same upon Demand without any such extraordinary aid from the King for that purpose as is unnecessarily desir'd by their Lords^{ps}: Your Com'ittee are concern'd to find so invidious a Reflexion made against the Inhabitants of this Province by men of so much Quallity & Hon^r: & whose interest is inseperable with ours but it is a sattisfaction to us to know it to be unjust as it is for us to beleive it was made upon misinformation by their Lordships.

Order'd that the following message be sent up with the above Report to his Hon^r: the President.

May it please y^r., Hon^r:

The Report of the Com'ittee appointed to consider of the L^{ds}: Proprietors memorial having been read & taken under consideration this house has agreed to the same with amendments & herewith We send it to your Hon^{rs}: board for your concurrence

Tho^s: Broughton Speaker
sent up by Captain Dry and Captain Raven.

M^r: Sec^{ry}: Hart inform'd the house that the Com'ittee of Council on the Treasurer's accounts was ready to attend that affair.

The house adjourn'd till tomorrow morning nine of the Clock

Wednesday the 23^d day of November 1726.

The house mett according to adjournment.

On motion the following Gentⁿ: were appointed a Com'ittee, M^r: Geo: Smith & Coll^o: Hall to inspect into all the Acts for the better Governm^t: of White Serv^{ts}: & to enquire if there is any Act for the Regulation of Apprentices.

Order'd that the following message be sent to his Hon^r: the President

May it please y^r., Hon^r:

By direction of this house publication has been twice made in Charles Town by our Clerk giving notice to all persons there were anyways concern'd in any petition lying before the house which were formerly read & referr'd to a further consideration that they were at liberty now to attend the Com'ittee to whom the same were referr'd & likewise to direct that all persons who had any demands on the Publick should forthwith lay their accounts before the house that they may be adjusted, which Publications have been taken down from the place they were

affixed to, which Wee look upon as a very great piece of insolence Offered to this house We therefore desire that your Hon^r: will be pleas'd to issue your Proclamation promising a reward of One hundred pounds to any person or persons that discover the person that took down the s^d: Publications or that were concern'd in the taking it down that they may be punish'd as they deserve.

Tho^s: Broughton Speaker

Sent up by Coll^o: Fenwick and Capt: Dry——

Order'd that publication be made by the Clerk of this house in every Parish to the same purpose as the former publication made in Charles Town.

Resolv'd that all persons attending this house or any Com^{it}tee for any purpose or business whatsoever shall be protected from Arrests during this Session of Assembly—

Order'd that M^r: Rhett M^r: George Smith & M^r: Izard be a Com^{it}tee to bring in a bill for Regulating the election of Members of this house.

The house taking under consideration the State of the Currency Order'd that a bill be brought in for issuing a certain Sum^e of money on good security & that the following Gentⁿ: be of the said Com^{it}tee for bringing in the said bill Coll^o: Fenwick M^r: Lloyd & Capt: Bond & that there be a saving clause in the s^d: bill that it shall not take place until his Majesties pleasure is known thereupon

Order'd that Capt: Akin & M^r: Mairant be added to the Com^{it}tee on the Powder Receiv^{rs}: acc^{ts}: & the Armoury

M^r: Sec^{ry}., Hart brought from his Hon^r: the Presid^t: the following message.

M^r—Speaker & Gentⁿ.,

Upon reading the Report of the Com^{it}tee appointed to consider of the Lords Prop^{rs}: Petition to his Majesty. We conceive that the several reasons We have to offer against the same will be more properly sett forth in an humble petition of both houses to his Majesty & that such petition may be grounded upon the said Prop^{rs}: petition, this We conceive to be the most regular way to lay our Grievances before his Majesty & be a means fully to answer all the Objection the Proprietors have made against us.

In the upper house }
23^d: Nov^r: 1726... }

Ar., Middleton

Order'd that the Report of the Com'ittee appointed to consider the L^{ds}: Prop^{rs}: petition to his Majesty be referr'd to the following Com'ittee in order to frame a proper petition to the King in answer to their L^d:Ships Viz^t., Coll^o: Fenwicke & Mr: Whitaker.

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment.

Benj^a: Whitaker Esq^r: from the Com'ittee appointed to take under consideration the proposalls of Nicholas Trott Esq^r: reported that they conferr'd with the s^d: Trott & were of opinion that the proposalls ought to be complied with with an additional clause & the s^d: clause being read the house agreed to the same. Mr: Sec^{ry}: Hart brought from his Hon^r: the Presid^t: the draught of a letter to be sent to Great Britain for the perusal & Correction of this house.

The house being inform'd that the Kings of the Cape Fears and Winyaws were come to Town to desire protection of the Govern^{mt}: and a Letter from Landgrave Smith being read in the house giving an account that the Tuscaroras 'crept up in the night to the Fort of our Friendly Indians.

Order'd that Cap^t: Dry & Mr: Tho^s: Smith do discourse the said Indians now in town concerning their further and better security——

The letter the President sent down was now read & Cap^t: Bond and Mr: Barton were directed to carry up the s^d: letter & to desire that his Hon^r: will be pleas'd to lett this house know to whom the s^d: letter is intended to be sent & being return'd they inform'd the house that the President say'd it was the form of a letter intended to be sent to severall Noblemen in Great Britain May it please y^r.. Hon^r:

The house having had under consideration how great an Inconvenience it is to this Province to be without a printed body of our Laws & some proposalls for reviving & reprinting the same being laid before this h^o: by Nicholas Trott Esq^r: We have consider'd & agreed to them & they are herewth: sent to your Hon^r: for your Concurrence.

Tho^s: Broughton Speaker

The above message sent up by Cap^t: Dry & Cap^t: Smith who were order'd to carry up the proposalls of Nicholas Trott Esq^r:

& to acquaint the President of the desires of the two Indians now in town Order'd that the follow^g: message be sent to his Hon^r: the President

May it please y^r., Hon^r:

Our friendly Indians being drove to great extremities by the Tuscaroras now in the settlements & as there is a necessity that they should go out a Scouting, We desire that your Hon^r: will be pleas'd to supply them with Amunition & to give them a general Letter to all persons to whose Plantations they shall come to Supply them with what Provisions they shall necessarily want in their Scouts.

Tho^s: Broughton Speak^r:

The above message was sent up by Cap^t: Bond & M^r: Mairant The house adjourn'd till to morrow morning nine of the Clock

Thursday the 24th day of November 1726.

The house mett according to adjournment.

M^r: Sec^{ry}.. Hart brought from his Hon^r: the President the following message together with a letter from Cap^t: Fitch.

M^r: Speak^r & Gent^l:

Herewith I send you a letter I rec'd from Cap^t Fitch concerning a parcell of bulletts taken by the Creeks last year from a Store belonging to M^r: Eveleigh, when they went to warr against the Ya'masses & as there is Amunition lodged at Fort Moore belonging to this Governm^t: I recomend to you that M^r: Eveleigh have an order of both houses for as much Amunition from thence as may reimburse him for his loss

24th Novemb^r: 1726.

Ar., Middleton

The following message was order'd to be sent to the President in answer to the above

May it please y^r., Hon^r:

We have read & Consider'd your Honours message of this morning & are of opinion with your Hon^r: that M^r: Eveleigh ought to be pay'd the Qw^t: of bullets taken from his Store by the Creeks and We desire that your Hon^r: will be pleas'd to give an order to Maj^r: Durham to deliver to M^r: Eveleigh's Serv^t: at the Savanno Town a hundred w^t: of bullets out of the Amunition there lodged belonging to the Government

Tho^s: Broughton Speaker

Captain William Dry from the Com'ittee appointed to take under consideration the Indian affairs made the following Report. The Com'ittee on Indian affairs having read & Consider'd the Essay intituled an Essay towards settling the Indian affairs do Report

That considering the present Scituation of Affairs in this Province We think it absolutely necessary for the reasons containd in the s^d: Essay that there be forthwith five new Forts erected & Garrison'd each with two Officers & thirteen com'on White men and ten Indians. That five of the White men and five of the Indians belonging to each Fort be allways scouting from one Fort to another.

That the said Forts be fixed at the following places Viz^t: One on some part of black River, another John Hearn's on Santee, the third at red bank on Edisto River, the fourth at that part of Salcathy where Gov^r: Craven's fight was & the fifth at Coosawhatchee near the foarding place on Port Royall River.

That Pallachucola Garrison be broke up & the men removed to the latter. And that for the fixing & Subsisting of those Garrisons the following impositions be lay'd Viz^t:

| | |
|---|-------|
| An additional Duty of £5 ⷞ head on all negroes { w ^{ch} : your Com'ittee im'agines will bring in Yearly—} | £5000 |
| The Act for bringing in of White Servants..... | 1000 |
| additional Duty of £3 ⷞ pipe on wine..... | 1000 |
| D ^o : of ¹ / ₆ ⷞ Gall on Rum..... | 1250 |
| D ^o : of ¹ / ₂ ⷞ Gall on Mallasses..... | 200 |
| D ^o : of 2/ ₆ ⷞ Qwt: on Muscovado Sugar..... | 300 |
| D ^o of ¹ / ₁₀ ⷞ Qwt: on Clay'd or loaf from the Islands..... | 50 |
| D ^o : of 20/ ⷞ Qwt: on Cocoa..... | 100 |
| | <hr/> |
| | £8900 |

And your Com'ittee having made a Calculation of the first Years Additional charge of the said Garrisons do conceive it may stand much after this manner.

| | |
|--|------|
| Nailes & other materials for building the s ^d : Garrisons & ca: for that the men may do the work) may cost..... | £500 |
| Five Captains at 20 ^l ⷞ month each for a Year..... | 1200 |
| Five Liev ^{ts} : at £15 each..... | 900 |
| Sixty five Soldiers at £7 each..... | 5460 |
| The Indians Yearly charge need not exceed..... | 500 |

| | |
|---|------------|
| Provisions for 75 men at £30 ꝯ man..... | 2250 |
| Ditto for the Indians..... | 500 |
| Other incidents..... | 200 |
| | <hr/> |
| | £11510 |
| Out of w ^{ch} : the Charge of the Pallachucola Garrison} | } ----4700 |
| £2200 as allso the Rangers is to be deducted £2500 | |
| | <hr/> |
| | £6810 |

The Com'ittee Report Further that if two or three Indians were added to each Scout Boat & to be under some pay they might be of much more service to this Province than they at present are,-----

Your Com'ittee further Reports that it is their opinion that it will greatly reduce the charge for manning the s^d: Forts if five Serv^{ts}: be purchased for each & in order to procure the same We propose that Cap^t: Stewart or some other person be treated with to transport such a number w^{ch}: We beleive may be agreed for at £40 or £50 ꝯ head indented for four Years.

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment

The Com'ittee went out on the several matters they had in charge
The house adjourn'd till nine of the Clock to morrow morning

Friday the 25th November 1726

The house mett according to adjournment

Mr: Rhett from the Com'ittee to whom Mr: Gadsden's letter & Proposals were referr'd made the following Report.

The Com'ittee appointed to consider of proper methods for encouraging the production of Hemp in this Province doe Report. That the Law Rattified in Febr^y: 1722 w^{ch}: gives to the maker eight shillings & four pence proclamation money for every hundred weight five Score to the Q^{wt}: of good merchantable Hemp is a very sufficient encouragem^t: for any person to make and bring that Com'odity to perfection. The Com'ittee are allso of Opinion that the s^d: Law should be made as Publick as can be by sending a Copy to every Parrish or such other way as this Hon^{ble}: house shall think proper.

Order'd that the following message be sent to his Hon^r: the President

May it please y^r., Hon^r:

As We may now expect the head men of the Cherokee Nation in very few days in the settle^t.; this house is apprehensive that they may run great hazard of being intercepted by the Sennecas & Tuscaroras w^{ch}: are ranging on our frontiers, We therefore are of Opinion that a Suitable Number of men & an Officer should be sent forthwith to meet them in order to conduct them safe & We desire that your Hon^r: will be pleas'd to give such orders accordingly.

Tho^s: Broughton Speaker

Sent up by Cap^t: Saunders and Cap^t: Nicholls.

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment.

The Humble Petition of the Com[']iss^s: for the high Roads of the Parish of Prince George was read & referr'd to the Com[']ittee of Petitions & Acc^{ts}:

The several Com[']ittees attended the matters they had in Charge
The house adjourn'd till to morrow morning nine of the Clock

Saturday the 27th day of November 1726¹

The house mett according to adjournment.

Order'd that the follow^g: message be sent to his Hon^r: the President

May it please y^r., Hon^r:

Herewth: We send y^r: Hon^r: a Report of a Com[']ittee of this house who were appointed to inspect into the Laws to find what encouragement is given for the planting & making of Hemp in this Province, your Hon^r: will be pleas'd to observe that it is their opinion that the Act that gives proper encouragem^t: for the same ought to be made as Publick as possible & the house judging it highly necessary, We desire Your Hon^r: will give directions for making the said Law Publick accordingly.

Tho^s: Broughton Speak^r:

Cap^t: Dry was desir'd to see in what poster our Friendly Indians are & what they stand in need of having made his Report

¹ Saturday was the 26th.

the house was well satisfied with his conduct & on motion that the thanks of the house be given to the s^d: Cap^t: Dry for the same it was agreed to by the house & the Speaker return'd him the thanks of the house accordingly.

After the s^d., Report the following message was drawn to his Hon^r: the President & agreed to

May it please y^r., Hon^r:

Cap^t: Dry a member of this house who was desir'd to see in what posture our friendly Indians are in & what they stood in need of having reported that they have enforted themselves but that they wanted Arms & Amunition, We therefore desire that your Hon^r: will be pleas'd to order a proper number of Armes & Am'unition to be deliver'd to them out of the Publick Armoury & Magazine.

We are allso of opinion that a proper person should be appointed to receive the complaints of our Friendly Indians & to whom they may upon all Occasions apply, & Cap^t: Dry being thought by this house a very proper Gentⁿ: on such Occasions, We take leave to recommend him to your Hon^r: for that purpose & desire that the Indians may be acquainted therewith.

Tho^s: Broughton Speak^r:

The above message sent up by Cap^t: Bond & Cap^t: Saunders. Coll^o: John Fenwicke Reported the Humble petition of the General Assembly of this Province to the Kings most Excellent Majesty and the same being read it was agreed to & sent up to the Council by Coll^o: Fenwicke

The house adjourn'd til the 29th instant two of the Clock in the afternoon

Tuesday the 29th day of November 1726

The house mett according to adjournment & adjourn'd till to morrow morning nine of the Clock

Wednesday the 30th day of November 1726.

The house mett according to adjournment And adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment

Mr., Sec^{ry}: Hart brought from his Majesties Council the following message together with the draught of a petition to his most

Excellent Majesty drawn in Council & petition drawn in this house & sent up for approba'on

May it please y^r., Hon^r:

Having made some few alterations in the from of the petition to his Majesty, We herewith send you a fresh transcript thereof together with your own, that you may agree with us therein & desire you will give it the quickest dispatch.

30th Novembr: 1726.

Ar,, Middleton

The Com'ittee went out on the several matters they had in charge

The house adjourn'd till to morrow morning nine of the Clock

Thursday the 1st day of December 1726.

The house mett according to adjournment

The Petition to his Majesty brought down from the Council yesterday was read & taken under consideration & referr'd to a Com'ittee in order to conferr with a com'ittee of his Majestie's Hon^{ble}: Council Viz^t: Coll^o: Fenwick, Cap^t: Bond & Mr: Hume——

Order'd that the following message be sent to his Majesties Council.

May it please y^r Hon^{rs}:

The house having read & taken under consideration the draught of the Petition to the King's most Excellent Majesty drawn in Council We find that it differs very much from the draught w^{ch}: We sent to you, We have therefore appointed a Com'ittee of this house to meet a Com'ittee of his Majest^s: Hon^{ble}: Council to conferr on the alterations made in the s^d: petition & We desire that a Com'ittee of his Majesties Hon^{ble}: Council may be appointed for that purpose accordingly.

Tho^s: Broughton Speaker

Sent up by Cap^t: Dry & Cap^t: Saunders.

Mr: Sec^{ry}: Hart brought from his Majesties Council the following message.

Mr,, Speaker & Gentⁿ:

Coll^o., Palmer a Member of your house informs me that a party of Indians (unknown) are settled on one of the branches of the Salt Catchers River, I desire your advice what may be say'd to them & their reasons for settling there without our leave.

Ar,, Middleton

Order'd that the following message be sent to his Hon^r: y^e Presid^t:

May it please y^r., Hon^r:

In answer to your message just now rec'd We are of opinion that it would be very proper for your Hon^r: to give directions to the Comander of the Rangers to take with him Will^m: Harding in order to discover the Indians settled on a branch of the Salt Catchers & that the Comand^r: have directions to talk with them & ask them why they presume to settle in that place without leave of this Governm^t: & to make his Report to y^r., Hon^r: as soon as possible & We desire that your Hon^r: will be pleas'd to take such measures with the s^d: Indians as you think fitt & that Harding be acquainted that if he discovers the s^d: Indians he shall be rewarded for his trouble.

Tho^s: Broughton Speak^r:

Sent up by Coll^o: Palmer & Cap^t: Raven

George Smith Esq^r: from the Com[']ittee who were appointed to inspect into the Acts concerning White Serv^{ts}: Reported that they found that the said Act was very full and expressive & that the Com[']ittee were of Opinion that there was not any occasion of a new Law.

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment.

Cap^t: William Dry from the Com[']ittee appointed to receive the Grievances of the severall Inhabitants of this Province Report. That Thomas Brown made Oath that last Saturday being the 26th of Nov^r: he came to town to lodge his complaint against Mr: Ellery with the Com[']ittee of Grievances & had an Execution served on him by the Provost Marshall for his Tax which his brother had pay'd before to the Inquirors of the Parish where he lives.

John Barksdale complains that notwithstanding the Resolution of the house & contrary to Law he is taken up & put in Custody of the Provost Marshall for a note of hand given, without any Process thereon which is such an infringement on the Hon^r: of this house as not only will render it contemptible if the Agressors are not taken notice of but will deter people that are involv'd from making any further Complaints thô never so reasonable. Decemb^r: 1st: 1726.

The house reading & taking under consideration the above Report relating to Thomas Brown & several debates arrising thereon

Resolv'd that the Provost Marshall has acted in Contemp of this house in relation to his taking the s^d: Tho^s: Brown in execution.————

The Question was put whether the house would appoint a Com'ttee to consider whether the house should make any alteration & Amendm^{ts}: in the resolutions of this house.

Carryed in the Negative.

The last paragraph of the Report relating to Mr: Barksdale being taken under consideration the Question was put whether the Marshall had acted in Contempt of the Resolution of this house this house & that the said John Barksdale should be discharged from the Custody of the Marshall.

Carryed in the Affirmative

Order'd therefore that John Brown Gentⁿ: messenger of this house do take into his custody the body of Cap^t: Maurice Harvey Provost Marshall for acting in Comtempt to the Orders of this house in taking into his Custody the body of John Barksdale Esq^r: after Publication was made by order of this house that all persons should be free from Arrests whilst they attend on the house or any Com'ttee thereof during this Session of Assembly & that Mr: Speaker do sign this order.

The house adjourn'd till to morning nine of the Clock

Friday the 2^d day of December 1726.

The house mett according to adjournment.

Mr., William Rhett lay'd before the house a bill for ascertaining & settling the Courses of the north Street in Charles town com'only called the dock Street & for quieting the possession of severall Proprietors of Lotts fronting on the said Street w^{ch}: a Com'ttee whereof he was a member were formerly order'd to prepare & bring in, which bill was read the first time & past with Amendments

Order'd that Publick notice be given that all parties who have any Objection to the said bill do attend a Com'ttee of this house on tuesday next the sixth instant

Order'd that Mr: Andrew Allen do forthwith deliver out of his possession to Mr: William Rhett a Member of this house & one of the Com'ittee appointed to Audit the accounts of the Com'iss^{rs}: appointed by Act of Assembly to exchange the Old bills, all such books and papers & other matters & things as any manner of way concern the s^d: affairs w^{ch}: were in the Custody & keeping of Mr: Henry Houser one of the afores^d: Com'iss^{rs}: late dec'd as well as the key of the Chest wherein is deposited the remaining part of the bills unexchanged & that Mr: Speaker do sign this order.

The afores^d: bill together with the petition to his Most Excellent Majesty was sent up amended to the Council by Coll^o: Fenwick & Cap^t: Bond.

John Lloyd Esq^r: from the Com'ittee appointed to draw a bill for issuing a certain sum' of money on good Security reported a preamble to the said bill which he offered to the Consideration of the house to w^{ch}: y^e house agreed

Mr: Sec^{ry}: Hart brought from his Majesties Hon^{ble}: Council the petition to the King's Most Excellent Majesty with some alterations & amendm^{ts}: made in Council.

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment.

The Amendments of the Council to the petition to the King were taken under Consideration & agreed to & sent up by Coll^o: Fenwick.

The humble petition of Maurice Harvey Provost Marshall was read setting forth that he took John Barksdale Esq^r: into Custody by attachm^t: issuing out of the Supream Court in Charles town, that he took his note for the money payable to the Attorney Generall & let the s^d: Mr: Barksdale go upon his parole, that the note being refused he took him into Custody again esteeming it but one & the same imprisonm^t., that he did not confine the s^d: Mr: Barksdale in order to hinder his complaining to this house, that he is under the deepest concern for the displeasure of this house, that he shall allways have the most Strict & respectfull regard for the Com'ands of this house, praying that the house will take his case into their wise Consideration & order him to be discharged paying his ffees.

Which petition being read & taken under Consideration, On motion the Question was put whether the said Maurice Harvey should be sent for & severely Reprimanded & then discharged paying his ffees

Carried in the Affirmative

And then the messenger was Order'd to bring the s^d: Maurice Harvey before the house.

The Com'ttees went out on the matters they had in Charge.

The severall Com'ttees returning to the house,

Maurice Harvey was order'd to be brought to the barr of the house.

And being brought the Speaker severely Reprimanded him & he in the most humble manner begging pardon for his offence & being directed by the Speaker to behave himself better for the future was acquainted that he was discharged paying ffees & was order'd to withdraw.

Cap^t: Dry from the Com'ttee of Grievances made the follow^g: Report. [A blank space was left upon which to enter the report, but the report was not entered thereon.]

The house reading & taking under consideration the above Report Order'd the following message to be sent to his Hon^r: the President.

May it please y^r., Hon^r:

A Com'ttee of this house having Reported that by some affidavits taken before them it appeared that Cap^t: Maurice Harvey Provost Marshall did send Negroes to force John Barksdale Esq^r: to Prison & lay'd before the house the said affidavits, We send to your the memorial of the said John Barksdale & the s^d: Reports & Affidavits & as We are of opinion that such proceedings are unwarrantable & of the utmost ill consequence, We desire your Hon^r: will be pleas'd to remove him from his place of Provost Marshall.

Tho^s: Broughton Speaker.

The above message sent up by Mr: Smith & Cap^t: Nicholls.

Order'd that Peter St^t: Julien Esq^r: have leave to be Absent untill Tuesday night next being the Sixth Instant.

The petition of Peter Yarman was read & referr'd to the Com'ttee of Petitions.

The memorial of John Bee was read & referr'd to the Com'ttee of Indian Affairs.

The house adjourn'd til to morrow morning nine of the Clerk.

Saturday the 3^d day of December 1726.

The house mett according to adjournment.

Mr: Sec^{ry}: Hart brought from his Hon^r: the President the Petition to his Majesty ingrosed & four Letters ingrosed directed to his Grace the Duke of Devonshire, his Grace the Duke of New Castle The R^t: Hon^{ble}: the Lord Townsend and to Sr., Rob^t: Wallpool signed by the President & Council & by Order of the house the Speaker signed the said Petition & Letters and they were return'd to his Honour.

The house adjourn'd til tuesday morning ten of the Clock

Tuesday the 6th day of December 1726.

The house mett according to adjournment.

The Com[']ittees attended the matters they had in Charge.

The house adjourn'd till to morrow morning nine of the Clock

Wednesday the 7th day of December 1726.

The house mett according to adjournment.

George Smith Esq^r: from the Com[']ittee appointed to bring in an additional bill to the Election Act informed the house that they had prepared the said bill & was ready to lay it before the house if the house would please to Receive the same & being directed so to do he lay'd on the Table, an Additional bill to An Act, intituled An Act, to Ascertain the manner & form of Electing members to Represent the Inhabitants of this Province in the Com[']ons house of Assembly & to appoint who shall be deem'd & adjudged capable of choosing or being chosen members of the s^d: house which s^d: bill was read the first time & past with amendments

Cap^t: Dry Representing the present State of our Friendly Indians & laying before the house some reasons w^{ch}: induc'd the house to beleive that the Cattawbaws and Peepees were concern'd in the late murthers, the house order'd the follow^g: message to be sent to his Hon^r: the President

May it please y^r., Hon^r.,

The house having had under considera'on the State of our neighbouring Indians, We have good reason to beleive that the Cattawbaws and Peepees are concern'd in the late murthers,

We therefore desire your Hon^r: will be pleas'd to send a message to the Cattawbaws, to inform them, that this Government are of Opinion, that they have been concern'd in the said Murthers, & to order some of the head men to come to your Hon^r: to answer the same, or that you'll please to take such other measures as your Honour shall think proper.,,————

Tho^s: Broughton Speaker

The above message & the additional bill to the Election Laws was sent up to the President by Cap^t: Dry & Cap^t: Akin.————

The house reading & taking under consideration the Report of the Com^{ee}: on Indians made several alterations & amendments therein.

And then the following Gentⁿ: were appointed a Com[']ittee & means for raising money for supporting the five Garrisons,, Mr: Rhett Mr: Lloyd Mr: Eveleigh & Maj^r: Hepworth.

Coll^o., Fenwick & Mr: Whitaker were directed by the house to treat with Cap^t: Stewart concerning the bringing over fifty White Serv^{ts}: at fifty pounds ₤ head Currency of this Province.

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournments.

Mr: Whitaker from the Com[']ittee appointed to treat with Cap^t: Stewart concerning the bringing over fifty White Serv^{ts}: Reported that the said Stewart was willing to enter into Contract for the delivering them in this Province for the use of the Publick fifty White Serv^{ts}: at Seventy pounds ₤ head & that he could not Contract for less.

The Report of the Com[']ittee on Indians was settled in the house after the following manner & sent up by Cap^t: Dry & Cap^t: Saunders.

The Com[']ittee on Indian affairs having read & Considered the Essay intituld an Essay towards settling the Indian affairs Do Report

That considering the present Scituation of affairs in this Province We think it absolutely necessary that there be forthwith five new Forts Erected and Garrison'd each with two Officers & twenty men & the neighbouring Indians be encouraged to settle about the said Forts.

That ten of the men belonging to each Fort be allways scouting from one Fort to another,

That the s^d: Forts be fixed at the following places Viz^t: One on the S^o: side at the most Convenient place on black River without y^e: Inhabitants another at John Hearn's on Santee, The third on the S^o: West side at red bank on Edisto River, The fourth on the N^o: side at that part of the Saltcatchers where Govern^r: Craven's fight was, And the fifth at Coosawhatchey near the foarding place on Port Royall River——

And for the fixing & Subsisting of those Garrisons the following impositions be layd Viz^t:—

| | |
|--|---------------|
| An additional duty of £5 ₤ head on all Negroes | } ----- £5000 |
| Which your Com ^{it} tee imagines will bring in yearly | |
| The Act for bringing in of White Servants | 1000 |
| Additional Duty of £3 ₤ Pipe on Wine | 1000 |
| D ^o : of ⁴⁶ ₤ Gall on Rum | 1250 |
| D ^o : of ⁴² ₤ Gall on Melasses | 200 |
| D ^o ., of ² / ₆ ^d ₤ hundred on Muscovado Sugar | 300 |
| D ^o : of 10 ^s ₤ hundred on Clay'd or loaf from the Islands | 50 |
| An Additional duty of 20 ^s ₤ hundred on Cocoa | 100 |
| | <hr/> |
| | £8900 |

And your Com^{it}tee having made a Calculation of the first Years additional charge of the s^d: Garrisons do conceive it may stand much after this manner.

| | |
|---|--------|
| Nails & other materials for building the s ^d : Garrisons & ^{ca} : | |
| (for that the men may do the work) may cost | £500 |
| Five Cap ^t : at £20 ₤ M ^o : each for a year | 1200 |
| Five Liev ^{ts} : at £15 ₤ M ^o : each | 900 |
| Sixty five Soldiers at £7 each | 5460 |
| The Indians Yearly charge need not exceed | 500 |
| Provisions for 75 men at £30 ₤ man | 2250 |
| D ^o : for the Indians | 500 |
| Other incidents | 200 |
| | <hr/> |
| | £11510 |

| | |
|--|--------------|
| Out of which the charge of Pallachucola Garrison | } ----- 4700 |
| as allso the Rangers is to be deducted | |
| | <hr/> |
| | £6800 |

The Com^{it}tee Report further that if two or three Indians were added to each Scout boat & to be under some pay they might be

of much more service to this Province than they are at present and the Indians shall not be obliged to Row in the s^d: Boats Your Com'ittee further Reports that it is their opinion that it will greatly reduce the charge for manning the said Forts if eight Serv^{ts}: be purchased for each & in order to procure the same, We propose that Cap^t: Stewart or some other person be treated with to transport such a number w^{ch}: We beleive may be agreed for at £40 or £50 ~~per~~ head Indented for four Years.

Mr: Robert Hume from the Com'ittee appointed to Audit the Powder Receiver's accounts made the following Report

The Report of the Com'ittee appointed to Audit the Powder Receiv^r's: acc^{ts}: & to View the State of the Magazine do Report That they have examin'd the Powder Receiver's acc^{ts}: with the several Vouchers & find them truly & justly Stated to the 22^d day of this Instant November & that there Remains eight thousand thirty & five pounds & one quarter of a pound of good Gun' Powder in the Magazine

The Com'ittee observe that the last Year's Com'ittee Reported the floor of the Magazine to be much Sunk & the powder thereby in great danger of being dam'aged & that Coll^o: Brewton ought to have im'ediate orders to repair the same, Now upon examining Coll^o: Brewton on this head We find no Provision has been made for the mending the said floor & that when any orders shall be given for that purpose another necessary safe place ought to be provided while the said Floor is repairing or mending

The Com'ittee humbly Recomend to this house that some order may be made in this affair.

The Com'ittee attended the matters they had in charge.

The house adjourn'd till to morrow morning nine of the Clock

Thursday the 8th day of December 1726.

The house mett according to adjournment.

The house taking under consideration the Report of the Com'ittee appointed to Audit the Powder Receiver's acc^{ts}: & to View the Magazine

Order'd that Coll^o: Michael Brewton Powder Receiv^r: do forthwith consult wth: proper workmen concerning the best & safest method of Repairing & raising the floor of the Magazine & that he lay an estimate of the same before this house

& also in what manner he proposes to secure the powder whilst the s^d: floor is repairing——

Mr: William Rhett from the Com^{it}tee appointed to bring in a bill for settling the course of the Dock Street made the following Report.

The Com^{it}tee for bringing in a bill for settling the courses of the Dock Street having heard several persons on the subject matter of the said bill now depending do Report.

That Mr: Robert Hume possess'd of a Lott N^o., (65) on the South side of the Dock Street proposes that a clause be added to the bill that the said Dock Street from the Northwest corner of the s^d: Lott run' in a parallel line with the broad Street to Ashley River. Mr: Andrew Allen possess'd of a Square fronting on the s^d: Dock Street is content with said bill provided he has the same quantity of Land that he has now fenced in

Thomas Capers having a Lott on s^d: Street (being part of Archdale Square) is satisfied the said bill pass provided he has the full quantity & bounds of his Land.

The Com^{it}tee upon considering the pretensions of the severall parties are unanimously of Opinion that a clause be added to the bill now before this Hon^{ble}: house to Continue the Dock street from the N: West corner of a lott N^o: (65) on the S^c: side of the said dock Street as it is now lay'd out & in possession of Mr: Robert Hume parallel with the broad Street to Ashley River & that the N^o: side of the said Dock Street on the West side of the Cross Street (which run's by the old Church Yard) to the northward by the Presbyterian meeting house shall begin from the South East corner of Schenkingh's square now in possession of Matheurin Boigard & run'in another parallel line with the broad Street to Ashley River & that these bounds be and for ever continue & determine the course & breadth of tha^t part of the Dock Street to the Westward of the Cross Street before mention'd, this will not only give every person his full quantity of Land but prevent any disputes that may arise hereafter.—— The house having read & consider'd the above Report agreed to the same

The bill for ascertaining & settling the courses of the North Street in Charles Town was read the second time & past with Amendments

The above bill was sent up by Mr: Rhett & Cap^t: Saunders. On motion that the affair relating to buying of White Serv^{ts}: be now taken under consideration & debates arising thereon the house came to a resolution to Agree with Cap^t: Stewart's proposals & Order'd the follow^g: Message to be sent to his Hon^r: the President thereupon.——

May it please y^r., Hon^r:

The house being of opinion that it would be very much to the service of this Province if fifty White Serv^{ts}: were purchased for the use of the Public, We appointed a Com[']ittee of our house to treat with Cap^t: Stewart concerning his bringing them over & as our Com[']ittee were instructed to tell him that he should be obliged to produce proper certificates from the Mayor of Bristol that they are not convicts, he insists upon seventy pounds for each such Servant w^{ch}: We think not unreasonable, We therefore desire the Concurrence of your Hon^r: & his Majesties Hon^{ble}: Council with us & that a Resolution of both houses may pass empowering the Public Treasurer to enter into contract with the said Stewart accordingly & for raising a sufficient Sum^e of money in the next Years Tax for paying for the said Servants

Tho^s: Broughton Speaker.

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment

Cap^t: Dry & Mr: Ashby were appointed to carry up the message drawn this morning——

The several Com[']itees went out.

The house adjourn'd till nine of the Clock tomorrow morning

Friday the 9th day of December 1726.

The house mett according to adjournment

Mr: Sec^{ry}: Hart brought from his Hon^r: the Presid^t: and his Majesties Hon^{ble}: Council a bill for the founding & erecting Governing Ordering & Visiting a Free School at the Town of Dorchester in the Parish of St: Georges in Berkley County for the use of the Inhabitants of the Province of S^o: Carolina

The Com[']ittee went out

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment.

Cap^t: Dry made a Report from the Com[']tee of Grievances which being read & several debates arising thereon the s^d: report was recom[']itted.

Mr: Sec^{ry}: Hart lay'd before the house from his Hon^r: the Presid^t: the following message.

Mr: Speaker & Gentⁿ:

As Cap^t: Stewart proposes going from hence this afternoon or to morrow, We think it absolutely necessary to come im[']ediately to conclusion with him about bringing fifty White Servants which may be employ'd otherwise for the service of the Province in case the method offer'd in the Report should not have the Effect proposed, We having already experienc'd that Garrisons and Rangers have hitherto given little or no protection to the Outsettlements, We have just now sent for Cap^t: Stewart & rec'd his proposalls to bring over fifty White Serv^{ts}: with proper Certificates from the Mayor of Bristol of their not being Convicts. He insists on seventy pounds ₤ head for each but in case any part of the said fifty Servants be tradesmen, he then expects to receive ninety pounds ₤ head for them from the Publick or to be at the liberty to dispose of them for his own proper use & account w^{ch}: proposall We think reasonable & desire the Concurrence of your house, that a Resolution of both houses may pass, impowering the Publick Treasur^r., to enter into a Contract with the said Stewart accordingly & for raising a sufficient Sum['] of money in the next years Tax for paying for the said Servants.

9th December 1726.

Ar. Middleton

The above message was read & Mr: Lloyd & Coll^o: Fenwicke were directed to conferr with his Majesties Hon^{ble}: Council on that part of the message that relates to the Contract to be made with Cap^t: Stewart.

Coll^o: Fenwicke & Mr: Lloyd returning reported that Cap^t: Stewart insisted upon ninety pounds ₤ head for all Tradesmen he should bring over & if the Publick would not purchase them at that rate that he should be at liberty to dispose of them upon w^{ch}: the house came to the following Resolution.

Resolv'd That Alexander Parris Esq^t: Treasurer do enter into Contract with Cap^t: Archibald Stewart for the bringing into this Province fifty White men Servants from the age of

eighteen to thirty five to serve the Publick of this Province for four Years from their Arrival here That the said Parris in the Contract on behalf of the Publick do agree to pay to the said Stewart for each such Servant the Sum'e of Seventy pounds Current money of this Province at their delivery, & in case any of them are Tradesmen & deem'd master of their trade by good Judges of their trade in this Province that in such case the said Stewart shall receive for such tradesmen the Sum'e of ninety pounds, And if the Publick of this Province shall not think fitt to take & receive any such Tradesmen Servants at the price of ninety pounds as aforesaid, that the s^d: Stewart be at liberty to dispose of them to the best advantage & that for all Servants the s^d: Stewart shall bring he shall be obliged to produce a Certificate from the Mayor Bristoll that they are not Convicts.

Resolv'd allso that the General Assembly of this Province will provide for the paym^t: of the said Serv^{ts}: in the next Years Tax that the money be lodged in the hands of the Treasu^r: ag^t: the Arrival of the s^d: Stewart & that this Resolution be sent to his Hon^r: the Presid^t: & his Majesties Hon^{ble}: Council for their Concurrence & that Mr: Speaker do sign the same

Mr: Robert Hume prayed leave to bring in a bill to prevent fire in Charles Town & lay'd before the house some heads of such a bill which were agreeable to the house & the s^d: Mr: Hume was order'd to bring in a bill to prevent fire accordingly.

The house adjourn'd till to morrow morning nine of the Clock

Saturday morning the 10th day of December 1726.

The house mett according to adjournment.

The bill for raising the Sum' of _____
for defraying the Contingent charges of the Government for
one year com'encing the _____ day of _____
& ending the _____ day of _____ was
read the first time & past wth: amend^{ts}:

The above bill was sent up by Mr: Eveleigh & Cap^t: Heyward John Lloyd Esq^r: from the Com'ittee appointed to bring in the same layd before the house a bill for Stamping the Sum' of eighty Six thousand One hundred pounds in bills of Credit & for

issuing the same to the Inhabitants of this Province on good security which was read the first time & past with Amendments

Sent up by Mr: Loyd & Mr: Eveleigh.

The bill for the founding & Erecting Ordering Governing and Visiting a Free School at the Town of Dorchester in the Parish of St: Georges in Berkley County for the use of the Inhabitants of this Province of South Carolina was read & Rejected

The Speaker sign'd the Powder Receiver's accounts by order of the house.

Mr: Barton & Mr: Mairant were directed to acquaint the President that the house proposed to adjourn till Tuesday morning next nine of the Clock.

The house adjourn'd till Tuesday morning next nine of the Clock

Tuesday the 13th day of December 1726.

The house mett according to adjournment

The house proceeding to read the additional bill to the Election Law they found several alterations & Amendm^{ts}: made in the s^d: bill by his Majesties Hon^{ble}: Council——

Resolv'd therefore that a Com^{it}tee of this house be appointed to conferr with a Com^{it}tee of his Majesties Hon^{ble}: Council on the said alterations & amendments & that a message be sent to the Council praying that such a Com^{it}tee may be appointed, the Com^{it}tee is Mr: Geo: Smith Mr: Rhett & Coll^o: Hall——

May it please y^r., Hon^{rs}:

The house proceeding to read the additional bill to the Election Act, We find several alterations & amendments thereto in Council, We have therefore appointed the following Gentⁿ: a Com^{it}tee Viz^t: Geo: Smith Mr: William Rhett & Coll^o: Ar: Hall to meet a Com^{it}tee of his Majesties Hon^{ble}: Council to conferr on the said alterations and Amendments.

Tho^s: Broughton Speaker,

An account of Benjamin Massey was laid before the house & the title thereof being read it was referr'd to the Com^{it}tee of accounts

The foregoing message sent up by Mr: Smith & Capt: Nicholls Mr: Sec^{ry}: Hart brought from his Hon^r: the President the following message.

Mr., Speaker & Gentⁿ:

Coll^o., Chicken giving me an account an account that the Cheerokes are now come into our Settlements & being inform'd by Cap^t: Fitch that the Creeks may be expected in a few days makes it absolutely necessary We should consult on the properest places to lodge them & the manner of treating them

As the well managem^t: of this affair will tend to the future peace & happiness of this Country so I shall very much rely on the advice of your Hon^{ble}: house & therefore hope to receive all the Assistance you can give me in it, I desire therefore that a Com[']ittee of both houses may be appointed for this purpose
13th December 1726. Ar Middleton

The following message was sent to his Hon^r: the President in answer to the above

May it please y^r, Hon^r:

We have appointed Coll^o: Chicken Cap^t: Fitch & Cap^t: Bond a Com[']ittee to meet the Com[']ittee of his Majesties Hon^{ble}: Council on the Subject matter of your Hon^{rs}: message just now sent to us. Thos: Broughton Speaker

The above message sent up by Coll^o: Chicken & Cap^t: Fitch Cap^t: Bond from the Com[']ittee appointed to conferr with a Com^{ee}: of his Majesties Council concerning the reception of the Cherokee and Creek Nations made the following Report.

The Com[']ittee appointed to conferr with the Com[']ittee of Council on the manner of receiving & treating the Cherokee & Creek Indians Report as follows.

First... That the Cherokee Indians remain at Coll^o: Chicken's till We hear of the Creeks arrival in the settlement

Secondly... That the two Agents be order'd to manage the entry of the Indians into Town in such a manner as that the Cheerokes enter the town at least one day before the Creeks———

Thirdly... In order to receive them in as Solemn a manner as possible on their march from Coll^o: Chicken's to town, the Goose Creek Company be raised to receive them as the Comanding Officer shall think proper & that the Troop be allso order'd to mount & receive them at Goose Creek Bridge & Conduct them down to Town where the two Companys be in Arms in order to receive them & Conduct them to the President's,

That on the Town Company's receiving the Cheerokes they give them a discharge of their Small Arms & upon the President's receiving them all the great Gun's that are in Charles town & in order be discharged.

Fourthly . . . That the Company at the Ferry receive the Creeks & that the Troop allso conduct them from the Ferry to Charles Town where the two Town Companys receive them in the same manner they did the Cheerokes but that on the President's reception of the Creeks, no great Gun's be fired.

Fifthly . . . That the Cheerokes be lodged be lodged in the Watch house & that during their stay in town the Watch be kept in some other place and that Coll^o: Chicken be desired to take care of them as to diet &^{ca}:—

That the Creeks be lodged with Capt: Fitch & that he allso be desired to take care of them as to their diet &^{ca}:

In the Com^{ons} house of Assembly
December the 13th. 1726.

Read and Agreed to

The petition of the men belonging to the Scout Boats & the petition of Coll^o: Hastings were brought down from the Council by Mr: Secretary Hart.

The above Report being read & taken under consideration the same was agreed to & sent up by Capt: Bond and Mr: Mairant.

The house adjourn'd till to morrow morning nine of the Clock

Wednesday the 14th day of December 1726.

The house mett according to adjournment

Mr: Sec^{ry}: Hart brought from his Hon^r: the President the following message.

Mr: Speaker & Gentⁿ:

I should be glad to know the opinion of your house what presents may be proper to give to the head men of the Cheerokee and Creek Indians now expected in Charles Town that I may give orders to have them prepared that no time may be lost to dispatch them back again.

14th December 1726.

Ar. Middleton

The affairs relating to the Cheerokee and Creeks being taken under consideration the following message was order'd to be sent to his Hon^r: the President

May it please y^r., Hon^r.

The Com^{it}tee of your house appointed on Indian affairs are directed to take under consideration the severall matters relating to the Cheerokes & Creeks which We soon expect in town, We therefore desire that a Com^{it}tee of his Majesties Hon^{ble}: Council may be appointed to meet our Com^{it}tee on those affairs im^{edi}ately.

Tho^s: Broughton Speaker.

The above message sent up by M^r: Barton & Cap^t: Raven Order'd that the following message be sent to his Hon^r: the President:

May it please your Hon^r:

A member of this house having informed us that Charles Hill Esq^r: proposes to send into the Palatinat the late Law for encouragem^t: of White people to come into this Province together with a Translation into Dutch w^{ch}: We are of opinion may encourage some of those people to come amongst us We therefore desire that your Hon^r: will be pleas'd to give directions for delivering a Copy of the said Act to M^r: Hill & that the broad Seal of the Province may affixed to the s^d: Copy & translation

Tho^s: Broughton Speaker

The severall Com^{it}tees went out on the matters they had in charge

The house adjourn'd till to morrow morning nine of the Clock

Thursday morning the 15th day of December 1726

The house mett according to adjournmt

Thomas Hepworth Esq^r: Cheif Justice prayed leave to present to the house severall papers and annexes which he deliver'd in at the table & prayed that the same might be read & that the title thereof being read it appeared to be as follows.

To the Hon^{ble}: Tho^s: Broughton Esq^r: Speaker & to the rest of the members of the Com^{ons} house of Assembly—

The Representation of Thomas Hepworth Esq^r: Cheif Justice & John Fenwicke & Alex^r: Parris Esq^r: Assistant Judges of the Supream & Generall Court held at Charles Town for the Province of South Carolina containing a full Vindication and defence of their proceedings————

And some debates arising about the reading of the s^d: Representation the Question was put whether the said Representation should be committed to the Committee of grievances

Carried in the Affirmative
Motion was then made that the Question might be put whether the Representation of the Chief Justice & Assistant Judges of Charles Town containing a full Vindication & defense of their proceedings should be read——

And the said Question being opposed, the previous Question was put whether the said Question should be put.

Carried in the Negative.

Mr: Robert Hume from the Committee appointed to consider what Laws are expired or near expiring made the following Report
The Committee appointed to Revive the Laws & lay before the house what Laws are expired & near expiring w^{ch}: ought to be Revived and Continued Do Report.

That the severall Laws following are nigh expired & a new bill ought to be brought in for the Continuing the same. Viz^t:
An Act for the better Regulating & settling the Militia of this Province past the 2^d September 1721——

An Act for the better Regulation of the Indian Trade & for appointing a Commiss^r: for that purpose & to survey & Supervise the Garrisons past 17th April 1725——

An Act for granting to his Majesty a Duty & Imposition on Negroes Liquors & other goods & Merchandize for the use of the Publick of this Province past 23^d Febr^y: 1722 except such part thereof as relates to the Dutys on European goods.

An Act to raise & appropriate a fund of money to Erect a building in Charles Town to hold & Contain the Publick Arms of this Province passed the first June 1725.——

The Committee are of Opinion also that the Act for the encouragement of killing & destroying Beasts of Prey (which hath been expired these severall Years) ought to be revived.——

The house taking under consideration the bill for Ascertaining the course of the North Street in Charles Town found several alterations made in the said Bill in Council & Order'd that Coll^o: Herbert be added to the Committee appointed to Conferr with the Council on the additional Bill to the Election Act

And that the said Committee Conferr with his Majestie's Hon^{ble}: Council on the alterations made in the aforesaid bill & then the

house order'd the following message to be sent to his Hon^r the Presid^t:

May it please y^r Hon^r:

The house observing that some material alterations have been made in Council to the bill for Ascertaining the course of the North Street, We have appointed a Com[']tee to conferr with a Com[']tee of his Majesties Hon^{ble}: Council on the said alterations & amendments, & We desire that a Com[']tee of his Majesties Hon^{ble}: Council may be appointed to conferr with the Com[']tee of this house on that affair forthwith.

Thos: Broughton Speaker

Sent up by Mr: Hume & Cap^t: Nicholls.— — —

The following petitions were read & referr'd to the Com[']tee of Petitions & Accounts, The petition of Theophilis Hastings the Petition of the Scout men, the Petition of Benj^a: Goddin & Benj^a: DeLaConseillere.

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment.

Coll^o: Fenwick from the Com[']tee on Indian Affairs made their Report w^{ch}: being read was order'd to lye on the table until to morrow morning———

Mr: Sec^{ry}: Hart brought from his Majesties Hon^{ble}: Council the following message together with the bill for Stamping the Sum['] of eighty Six thousand one hundred pounds read in Council & rejected

Mr., Speaker & Gentⁿ:

We have read the bill for Stamping a further Sum['] in bills of Credit w^{ch}: (upon mature consideration & full debates We have unanimously Rejected) if you still continue of opinion that such a bill is requisite, your sending a draught of a bill to our Agent in Great Britain with Instructions to Sollicit the same for his Majesties Royall approbation it may be as soon obtained as if the bill had been passed by this board with a saving clause

15th December 1726.

Ra: Izard

Mr: Sec^{ry}: Hart brought from his Hon^r: the Presid^t: the humble address of the Judges & Inhabitants of Wando Precinct, the humble petition of Charles Franks & William Clealand Surgeons.

Mr: Rhett from the Com'ittee of Conference on the two bills reported verbally the Conference they had with the Com'ittee of his Majesties Hon^{ble}: Council & that the Com'itees did not perfectly agree in the s^d: conference but that the Council would send down their opinion in a message to this house

The house adjourn'd till to morrow morning nine of the Clock

Friday the 16th day of December 1726.

The house mett according to adjournment

Order'd that the following messages be sent to his Majesties Hon^{ble}: Council.

Hon^{ble}: Gentlemen

We are concern'd to find that you have rejected the bill We sent to you for increasing our Currency without hearing in a Conference the good & just reasons that might have been given for passing the s^d: bill but as that bill is now out of the case, We are of Opinion that some measures should be im'ediately taken for establishing a sufficient Currency to carry on the trade of this Province & to enable the Inhabitants to support the vast expence they must of necessity be at in defence of this Country, and We cannot doubt that the Govern^t: at home will allow us the same Priviledge in respect to our currency as our neighbouring Plantations, We desire that a Com'ittee of his Majesties Hon^{ble}: Council may be appointed to meet a Com'ittee of this house to consider of a matter of so great importance to this his Majesties Province.

Tho^s: Broughton Speaker

May it please y^r., Hon^r:

The house being inform'd that the Cussoe Indians have lately killed four Waweas & Winyaws & finding there there are severall differences amongst our neighbouring Indians, We are of opinion that some measures should be taken to reconcile those differences, We therefore desire that your Hon^r: will be pleas'd at a proper time to Sum'on them all to your Hon^{rs}: Plantation the Creeks & Cheerokees both being now expected in Town & that you'll please to endeavour to sett them all right for if they proceed in such murther it may be of ill consequence to this Province

Tho^s: Broughton Speak^r:

The two above messages sent up by Coll^o: Palmer & Capt^t: Dry Mr: Robert Hume a member of this house producing to this house two Affidavits the one of John Watson & the other of Henry Gigniliat taken before Thomas Barton Esq^r: the purport of w^{ch}: affidavits are that John Stevenson said the said Mr: Hume would be expell'd this house in a few days & that this house had thank'd him for what he had done & that he was desired & encouraged to Collect more affidavits against the Lawyers & the s^d: affidavits being read and taken under consideration.

Order'd that the messenger of this house do forthwth: take into his custody the said John Stevenson for his false Scandalous & Insolent reflections on the house & the said Mr: Hume a Member thereof that he be im'ediately brought to the barr of the house & receive a severe Reprimand

The petition of William Clealand & Charles Franks was read & referr'd to the Com'ittee on accounts.

The Humble address of the Judges & Inhabitants of Wando Precinct was read and order'd to lye on the table until the matters relating to the Precinct Courts are taken under consideration. Mr: Thomas Smith a Member of this house producing to the house a letter from John Ness to Mr: Hugh Bryan wherein were many false & Scandalous reflections on several members of this house

Order'd that the said Ness be forthwth: taken into Custody by the messenger of this house & that he be brought to the barr & receive a Severe Reprimand for his Insolence

John Stevenson being brought to the barr of the house he rec'd a severe reprimand for his insolence from the Speaker & humbly begging pardon for his offence & being charged to behave himselfe better for the future he was order'd to withdraw

John Ness was brought to the barr of the house & having rec'd a severe Reprimand for his insolence from the Speak^r: he was acquainted that if he did not behave himselfe better for the future the sensure of this house would be heavier upon him & he was order'd to withdraw

Capt: Fitch a Member of this house complaining that during his agency amongst the Creeks, John Moulton an Indian trader had behaved himselfe to him with great insolence before the Indians.

Order'd that the messenger of this house do forthwith take into his custody the said John Moulton & keep & detain him in custody untill the Creek Indians come to Town & that then he make an humble Submission to Cap^t: Fitch in presence of the said Indians.

On motion Order'd that a bill be brought in to prevent the falling trees in the Rivers & Creeks by w^{ch}: the Navigation is Obstructed & that Mr: Geo: Smith be appointed to bring in the said Bill.

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment

Mr: Sec^{ry}: Hart brought from his Hon^r the President the Report concerning the erecting the Scouts with all parts of the s^d: Report not agreed to in Council except the Clause that proposes the adding to each Scout Boat two Indians; The Report on the Indians affairs agreed to in Council, The Petition of John Chester & the petition of Thomas Gadsden.

Mr: Sec^{ry}: Hart brought from his Hon^r: the petition of Joseph Barker & the Petition of Samuel Sleigh.

The house read the Report of the Com[']ittee on Indian Affairs & some debates arising concerning the expence of carrying on the expedition proposed in the said Report, the s^d: Committee was order'd to make an Estimate of the said expedition & the s^d: Com[']ittee bringing in the said Estimate & it being read & taken under consideration the further consideration of the said Report was postponed until to morrow morning.

The house adjourn'd till to morrow morning nine of the Clock

Saturday the 17th day of December 1726.

The house mett according to adjournment

Coll^o: Chicken's Journal being brought from his Majesties Hon^{ble}: Council was now read

Cap^t: Fitch's Journal being laid before the house was also read.

Coll^o: Chicken's & Cap^t: Fitch's Journal were sent up to the Council by Coll^o: Fenwick & Cap^t: Saunders who were directed to acquaint the President that the house proposes to adjourn till Tuesday next nine of the Clock in the forenoon

An account of Coll^o: Palmer with the Publick for supplying the Scout Boats amounting to One hundred & one pound fourteen shill^s: was read and Com^{it}ted.

The house adjourn'd till tuesday morning next nine of the Clock

Tuesday morning the 20th day of December 1726.

The house mett according to adjournment.

An additional Journal of Capt: Fitch was read.

Benja^a., Whitaker Esq^r: prayed leave to bring in a bill to prevent any person that holds any employment in the Govern^{mt}. from sitting as a member of this house.

The humble petition of Joseph Barker

The humble petition of Thomas Gadsden

The humble petition of Samuel Sleigh were severally read and referr'd to the Com^{it}tee of petitions and accounts.

The humble petition of John Chester was read praying an allowance for guiding the Cheerokees from the Congagrees to Coll^o. Chicken's & the house Order'd him fifteen pounds

Order'd that Alex^r: Parris Esq^r: Treasurer do pay out of the Publick Treasury of this Province unto John Chester for conducting the Cheerokees from the Congarees to Charles Town the Su^m of fifteen pounds & that this Order be sent to his Hon^r: the President & his Majesties Hon^{ble}: Council for their Concurrence & that Mr: Speaker do sign the same. Order'd that the following message be sent to his Hon^r: the President.

May it please y^r Hon^r:

On the seventh instant this house by a message desir'd that your Hon^r: would be pleas'd to send a message to the Cattawbaws to inform them of an opinion concerning the late murders com^{it}ted on our friendly Indians & to order some of the head men down, And as We esteem it a matter of very great consequence We desire your Hon^r: will be pleas'd to let us know what is done in that affair.

Tho^s: Broughton Speaker.

The proposalls of Coll^o: Brewton concerning the raising the floor of the Magazine was read and referr'd to the Com^{it}tee appointed to View the Magazine and Armoury.

The house adjourn'd till two of the Clock in the afternoon.

The house mett according to adjournment

The message to the President of this morning & the message of the 14th instant relating to the delivering a Copy of the Act for encouraging White people to come into the Province to Mr: Hill were sent up by Mr: Eveleigh and Mr: Ashby.

On motion the following message was sent to his Hon^r: the President

May it please y^r Hon^r:

As there is very little reason to beleive that the Cheerokee & Creek Indians will be in Town this Week We are of opinion it may be very proper time to accomodate the differences between our friendly Indians, We therefore desire that your Hon^r: will be pleas'd to order them down to Charles Town for that purpose, this may prevent many murthers amongst them w^{ch}: will inevitably happen unless measures are taken to prevent the same, & We desire that your Hon^r: will be pleas'd to Issue your Proclamation prohibiting the selling Rum' to them whilst they are in town.

Tho^s: Broughton Speaker

Sent up by Capt: Dry and Capt: Saunders————

Mr: Sec^y: Hart brought from his Hon^r: the President the following messages.

Mr: Speaker & Gentⁿ:

I have just now rec'd your message relating to the proposal of Charles Hill Esq^r: to send into the Palatinate the late Law for the encouragem^t: of White people to come into this Province & shall give order that the same be transcribed & deliver'd to him under the great Seal of this Province according to your desire.

20th December 1726.

Ar Middleton

Mr: Speaker & Gentⁿ:

I have tryed all Oppertunities to send up to the Cattawbaws according to your request but not finding any person more proper to answer that end than John Chester who is now ready for that service I therefore Recomend him to you for this purpose & that he may be agreed with for his Journey & shall take care to give him proper Instructions.

20th December 1726.

Ar Middleton

Mr: Speaker & Gentⁿ:

I have taken care to send to King Gilbert by the Provost Marshall to attend the Council to morrow morning & as our other friendly Indians are coming to attend at the same time shall do my best endeavour so to adjust matters between them as I hope to prevent any further misunderstanding amongst them for the future.

Ar. Middleton

The house adjourn'd till tomorrow morning nine of the Clock

Wednesday the 21st day of December 1726.

The house mett according to adjournment

The Memorial of Landgrave Thomas Smith praying that the act for the better settling and Strengthening of this Province might be suspended for one Year was read & order'd to lye upon the table

On motion that the Acts for Tanning of Leather & ag^t: killing unmarked Cattle should be revived & the said Laws being laid on the table they were referr'd to a Com[']ittee to inspect and to report their opinion Viz^t: Mr: Whitaker & Mr: St: Julien

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment.

The memorial of James Lawrence was read & referr'd to the Com[']ittee of petitions & accounts—

Order'd that Benj^a: Whitaker Esq^r: & Cap^t: Jacob bond be a Com[']ittee to inspect the Act that empowers Insolvent Debtors to swear off & to Report the Inconvenience of that Law to this house & that the Statute of Limitation be allso com[']itted to them for Inspection.

Mr: Sec^{ry}: Hart brought from his Hon^r: the President the following message

Mr: Speaker & Gentⁿ:

King Gilbert & his people being come to town I desire you to appoint such of your members as you shall think proper to come up to the Council Chamber to hear what he has to say.—
21st December 1726.

Ar. Middleton

And the following Gentⁿ: were appointed a Com^{it}tee Viz^t: Mr: Izard Cap^t: Nicholls Cap^t: Broughton Mr: Cattle, Mr: Raven to attend the Council to hear what the Cussoe Indians have to say pursuant to the desire in the above message.

Benj^a: Whitaker Esq^r: a Member of this house prayed leave to lay before the house a Complaint he had to make ag^t: the Judges of Wando Precinct & having leave so to do he lay'd before the house the following paper Viz^t:

To the Hon^{ble}: Thomas Broughton Esq^r: Speaker & to the rest of the members of the Com^{ons} house of Assembly, Benj^a., Whitaker a Member of the s^d: house Complains. That the Justices of the Court holden for Wando Precinct did at the last Court holden for the s^d: Precinct direct the Grand Jury to make a presentment And he is ready (this Hon^{ble}: house giving him Assistance to send for Witnesses) to prove it.

21st December 1726.

Benj^a., Whitaker

The above complaint being read it was referr'd to the Com^{it}tee of Greivances.——

Cap^t: William Dry from the Com^{it}tee of Greivances made their Report w^{ch}: was read by the Clerk & the consideration thereof postponed until to morrow morning——

Coll^o: Fenwick from the Com^{it}tee of Indian affairs made the following Report w^{ch}: be read & taken under consideration the same was agreed to

The Com^{it}tee upon Indian affairs being order'd to consider what presents are proper and necessary to be given to the Cheero-kee & Creek Indians now coming to town Report as follows.—— That We are inform'd by Coll^o: Chicken there are twenty head men of the Cheerokes besides thirteen men attendants to all w^{ch}: We are of Opinion it's proper to make the following presents Viz^t:

That the Long Warriour of Tunnissee being a man of greatest note, shall have a blew broad Cloth Coat, Trim'd with lace and Brass buttons, one Garlix Shirt, one laced hatt, one pair of Indian Stockings & flap, one blanket & one Gun', That three more head men shall have the same only their Coats to be made of blew Strouds Trim'd with red Cadiz, That the other Sixteen headmen shall have each, a blankett, Gun', flap & Stockings & that the thirteen attendants have each a blankett——

Your Com'ittee is inform'd by Capt: Fitch that there are six head men of the Creeks & two men attendants & as Chigillee is the Cheif of them, We are of opinion that he shall have the like present made him as the Long Warriour of Tunnissey & that three other of the head men being of greater note shall have the same as the three head men of the Cheerokees & the other two the same as the Sixteen of the Cheerokees as also the attendants the like; Coll^o Chicken informs us there is a quantity of Amunition has laid at his house a long time for the Cheerokees which will now serve them, as to the Creeks that they have each one pound of powder & two of Bullets.

The house adjourn'd till to morrow morning nine of the Clock

Thursday morning the 22^d day of December 1726.

The house mett according to adjournment

The house read & took under consideration the Report of the Com'ittee on Indian Affairs & Agreed to the same.

It being proposed that the Report of the Com'ittee of Greivances might be now read & taken under consideration, And on Motion The Question was put whether the house should Resolve it's selfe into a Com'ittee of the whole house to debate the s^d: Report

Carryed in the Negative

And then the house proceeded to take under consideration the Report of the Com'ittee of Greivances & severall papers and paragraphs of Laws being read on w^{ch}: the s^d: Report was founded & the Representation of the Judges of Charles Town Court being allso read the further debate & consideration of the s^d: Report was postponed untill the afternoon and then

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment.

The Report on Indian affairs agreed to this morning was sent up to his Hon^r: the President by Capt: Dry & Mr: S^t: Julien The house re...sumed the debate on the Report of the Com'ittee of Greivances & on motion that a Resolution of the Judges of Charles Town Court should be forthwith laid before the house. Geo: Smith & Benja: Whitaker Esq^{rs}: were order'd to go to the Office of the Clerk of the Crown to procure the said Resolution

or a Copy thereof & the date on the said Report was postponed until the s^d: Resolution be laid before the house

The humble petition of John Moulton was read setting forth that he was decreped in his Limbs & render'd incapable of any Servile labour & poor in his circumstances & humbly praying allowances of the house to make acknowledgement & humble Submission & that he may be released from his confinement

Order'd that the s^d: John Moulton upon his entring into bond with good Security that he will not depart from this town until the Creek Indians shall have finished their business before his Hon^r: the President & his Majesties Hon^{ble}: Council the s^d: John Moulton shall be discharged from the Custody of the messenger of this house.

Geo: Smith & Benja^a., Whitaker Esq^{rs}: laid before the house a book of Rules, Orders & proceedings of the Court in Charles Town wherein was incerted an opinion of the Court in the case of Dymes ag^t: Ness in an Action of the case for five hundred pounds which Opinion Runs as follows.

| | | |
|----------------|---|------|
| Dymes | } | Ca: |
| a ^s | } | £500 |
| Ness | } | Dam: |

August the 12th 1724.

'Tis the opinion of the Court that where a party claims the benefit of the County Court Act as that he lives out of the Jurisdiction of this Court the matter ought to be disclosed to the Court by pleading specially to the Jurisdiction and not on motion Suggestion or otherwise.

By order of the Court

Law: Coulliettee C.C.P.

And the above opinion of the Court being read the Question was put whether the s^d: opinion of the Court is contrary & Repugnant to a Clause in an Act of the Generall Assembly of this Province intituled An Act for authorizing the General Court in Charles City & Port to exercise several powers & Priviledges allowed to the County and Precinct Courts in this Province & some other Regulations which clause declares that the Cheif Justice & Assistant Judges shall permitt any person either Plaintiff or Defend^t: desiring leave of the Court to be heard to plead their own cause without obliging him or them to fee a Council or Attorney for that purpose.

Carryed in the Affirmative

The house proceeding on the s^d: Report the memorial of John Hale and John Stevenson was read but the Speaker being taken ill motion was made that the house might adjourn And

The house adjourn'd till tomorrow morning nine of the Clock

Friday the 23^d day of December 1726.

The house mett according to adjournment

Coll^o: Hall & M^r: Ashby were appointed to wait on the Presid^t: & to acquaint him that the house was desirous to adjourn to Tuesday the 3^d day of Jan^{ry}: next & those members returning they acquainted the house that the President said that in such cases he desired a Written message

And then the following message was order'd to be sent to his Hon^r: by Coll^o: Hall & M^r: Ashby——

May it please y^r: Hon^r:

The Christmass holy days being very near the house is desireous of adjourning to Tuesday the 3^d: day of Jan^{ry}: next & We desire your Hon^r: will be pleas'd to signifie your consent thereto.

Tho^s: Broughton Speaker

M^r: Sec^{ry}: Hart brought from his Hon^r: the Presid^t: the following message

M^r: Speaker & Gentⁿ:

Pursuant to your message just now rec'd I agree to your adjournm^t: to the time therein desired.

Friday 23^d December 1726.

Ar Middleton

And then the house adjourn'd untill tuesday the 3^d day of Jan^{ry}: ten of the Clock in the forenoon

Tuesday the 3^d day of Jan^{ry}: 1726.

The house mett according to adjournment & adjourn'd till to morning nine of the Clock

Wednesday morning the 14th ¹ day of Jan^{ry}: 1726.

The house mett according to adjournment

On motion the following message was sent to his Hon^r: the President

¹ Should have been 4th.

May it please y^r., Hon^r:

On the Sixteenth day of last month We sent your honour a message setting forth the absolute necessity of immediately establishing a sufficient Currency & as We still continue of Opinion that this affair is of the last consequence to this Province as it is at present circumstanciated, We must therefore repeat our instances to your Hon^r: that a Com^{it}tee of his Majesties Hon^{ble}: Council may forthwith be appointed to meet our Com^{it}tee to take that matter under Consideration.

Tho^s: Broughton Speaker

The above message sent up by Coll^o: Fenwick & Cap^t: Bond—
On motion that the usual Compliment be made to Cap^t: Massey upon his arrival in this Province.

Order'd that Benj^a: Whitaker Esq^r: & Mr: Eleazer Allen do waite on the said Cap^t: Massey & pay him the Compliments of this house & congratulate his safe arrival in this Province.
Mr: Sec^y: Hart brought from his Hon^r: the President the following message

Mr: Speaker & Gent^len:

The Cheerokee Indians being now in town I desire that both houses may consult of what is most proper to be say'd to them that they may have a hearing & be dispatch'd back as fast as possible.

Wednesday Jan^y: the 4th 1726

Ar., Middleton

On motion the following Question was put whether a message shall be sent to the President in answer to one just now rec^d in relation to the Indians that this house will go upon no business until they receive answer to the message sent this morning relating to a Com^{it}tee on the money bill.

Carried in the Negative

Order'd that the following message be sent to his Hon^r: the President in answer to his message of this morning.

May it please y^r., Hon^r:

In answer to your Hon^{rs}: message of this morning relating to the Cheerokee Indians in town, We take leave to acquaint you that as Cap^t: Fitch has inform'd this house that he hath sent a message to the Palachucola Garrison to inquire after the Creek Indians w^{ch}: were expected in town, a return to w^{ch}: message We look for, to morrow, We are therefore of opinion

that the talking with the Cheerokees may be postpon'd until to morrow & We desire that your Hon^r: will be pleas'd to acquaint the Cheerokees thereof.

Tho^s: Broughton Speaker

Sent up by Mr: Barton & Mr Ashby

Order'd that Capt: Jacob bond be added to the Com^{it}tee on the Currency.

Resolv'd that this house will not proceed on any business untill they receive a message from his Hon^r: the President in answer to one of this morning to his Hon^r: from this house relating to the Currency.

And then the following message was sent to his Hon^r: the Presid^t:

May it please y^r: Hon^r:

This house has come to a resolution that they will not proceed on any business until they receive a message from y^r: Hon^r: in answer to one sent to y^r., Hon^r: this morning relating to the Currency, We therefore desire that you'll be pleas'd to answer the same

Tho^s: Broughton Speaker

Sent up by Maj^r: Hepworth & Maj^r: Hext

Mr: Sec^{ry}: Hart brought from his Hon^r: the President the address of the Inhabitants of Christ Church to his Hon^r: the President the Hon^{ble}: Council & this House.

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment

Mr: Sec^{ry}: Hart brought from his Hon^r: the President the following message.

Mr: Speaker & Gentⁿ:

I am very much concern'd at the resolution you are come to directed to me in your message this morning in relation to the Conference you desire on the affair of the Currency had your message been directed to his Majesties Council you would have receiv'd an Answer (the bill being rejected by them & not by my selfe so cannot answer for it) but desire your message may be directed to the Gentlemen of his Majesties Council for an answer.

4th Jan^{ry}: 1726.

Ar. Middleton

Order'd that the following message be sent to his Majesties Council

Hon^{ble}: Gentⁿ: of his Majesties Council.

On the sixteenth of last month We sent y^r: Hon^{rs}: a message setting forth the concern that We were under at y^r: Rejecting a bill which We esteem'd of vast consequence to this Province without hearing the just & good reasons that might have been given in a conference for passing the same. We then told you that the s^d: bill was out of the case & that We desired a Conference of a Com^{it}tee of our house with one to be appointed of his Majestie's Hon^{ble}: Council to consider of the best method of establishing a sufficient Currency to carry on the trade of this Province and to enable the Inhabitants to Support the vast expence they must of necessity be at in defence of the Country, but not finding that such a Com^{it}tee of his Majesties Council has been appointed, & We esteeming this a matter of the greatest Consequence to this Province We desire that the consideration thereof may be no longer postponed & that such a Com^{it}tee of his Majesties Council may be appointed to meet our Com^{it}tee on that affair forthwith for this house have resolved that they will not proceed on any business untill they receive an answer to this message

Tho^s: Broughton Speaker

Sent up by Cap^t: Bond & Cap^t: Nicholls.

The house adjourn'd till to morrow morning nine of the Clock

Thursday morning the 5th day of January 1726.

The house mett according to adjournment.

Mr: Sec^{ry}: Hart brought from his Hon^r: the President the following message.

Mr: Speaker & Gentⁿ:

I herewith send you an acct: I have receiv'd of sundrys wanting at the Garrison at Fort Moore for your perusall, & desire to know whether I shall give directions for providing the same
5th Jan^{ry}: 1726. Ar., Middleton

Mr: Sec^{ry}: Hart brought from his Majesties Hon^{ble}: Council the following message.

Mr: Speaker & Gentⁿ:

In answer to your message yesterday received by Cap^t: Bond & Cap^t: Nicholls, We have appointed a Com^{it}tee of our house to meet a Com^{it}tee of yours, We shall be allways ready to conferr with you & agree upon such methods as may be thought proper for enabling the Inhabitants of this Province to support the expence they must be at in the defence of the Country, but as to the making any alteration in the paper Currency.

It is the opinion of this board that they cannot enter upon any method to establish a further Currency before a draught of a bill for that purpose be sent to great Britain & leave obtain'd of his Majesty thereon (otherways) contrary to his Majesties possitive orders & instructions to his Gov^r.; And We are of opinion that no one can judge of what is a sufficient Currency for this Province unless they could be fully apprized of the Emergencies of this Country in their trade & Com^{er}ce & We are sattisfied that the present Currency is sufficient in proportion to the trade now carryed on.

5th Jan^{ry} 1726.

Ra: Izard

And the above message being read & taken under consideration the Question was put whether a Com^{it}tee should be appointed to meet a Com^{it}tee of his Majesties Hon^{ble}: Council on the subject matter of the above message. Carried in the Negative

And then the following Gentⁿ: were appointed a Com^{it}tee to draw a message in answer to the above Viz^t: Mr: Lloyd Mr: Allen & Mr: Whitaker

John Lloyd Esq^r: from above Com^{it}tee reported the following message

Hon^{ble}: Gentⁿ:

In answer to your message just now rec'd We must acquaint you that We cannot conceive how you can conferr with this house to any purpose to ease the Inhabitants in their Tax without making any alteration in the currency if you are determind (as you say you are) not to make any—What We have further to say is that We take it to be very unparliamentary to appoint a Com^{it}tee to Conferr with this house upon a message sent you & before hand to declare yourselves determin'd to do nothing upon the subject matter of it.

Tho^s: Broughton Speaker

Which message was agreed to ingrosed & sent up by Mr: Rhett & Cap^t: Nicholls

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment.

The address of the Inhabitants of Wando Precinct was read & Order'd to lye on the table.

The demand for Fort Moore was read & order'd to lye on the Table.

On motion the Question was put whether a message should be sent to the Council praying a general Conference of both houses concerning the State of the Country.

Carried in the Affirmative.

And then the following message was order'd to be sent.

Hon^{ble}: Gentⁿ:

Many affairs of the utmost moment being now depending before the Generall Assembly, We desire that a generall Conference of both houses may be appointed to take under consideration the State of this Province & that your Hon^{rs}: will appoint the time & place.

Tho^s: Broughton Speaker.

The above message sent up by Mr: Lloyd.

Mr: Sec^{ry} Hart brought from the Hon^{ble}: the Council the following message

Mr: Speaker & Gentⁿ:

In our message to you this morning, We appointed a Com[']tee to conferr with you according to your desire in a former message, in order to agree with you on such methods as might be thought proper for enabling the Inhabitants of this Country to support the expences they must be at in the defence of this his Majesties Province by considering the best method how to apply to his Majesty for a Sufficient Currency (w^{ch}: by your message you imply is wanting) & though We told you We were of Opinion there was a Sufficiency, We nevertheless were desirous to hear the reasons why you differ'd from us We rather think it unparliamentary in you to insist on a conference upon a Subject matter contrary to his Majesties positive orders.

We are determin'd (for the reasons given in our message) & hope allways shall be, to pay due regard & Obedience to all

his majesties Royall Com'ands, so long as We have the Hon^r: of receiving them

5th Jan^{ry}: 1726/7.

Ra: Izard

The following Gentⁿ: were appointed a Com[']ittee to draw an answer to the above message Viz^t: Coll^o: Fenwick M^r: Allen & M^r: Whitaker

M^r: Sec^{ry}: Hart brought from his Majesties Council the following message.

M^r: Speaker and Gentⁿ:

This board upon reading the last message you sent us (desiring a generall Conference of both houses to consider of many affairs of the utmost moment now depending before the Generall Assembly) think the same to be too generall, We would willingly before a Conference be agreed on know what affairs they are w^{ch}: are there to be debated, that so We may the better be prepared to Offer our reasons for effecting what may be thought for the Publick good of this Province, the w^{ch}: We shall allways be ready by all Lawfull ways to promote.

5th Jan^{ry}: 1726/7.

Ra. Izard

The house adjourn'd till to morrow morning nine of the Clock

Friday the th6 day of Jan^{ry}: 1726

The house mett according to adjournment

Benj^a: Whitaker Esq^r: from the Com[']ittee appointed to draw a message to the Council in answer to one of theirs of yesterday Reported the following message.

Hon^{ble}: Gentlemen/

It is with the greatest Surprize that We have read your message of Yesterday in the afternoon, You tell us that in a former message you appointed a Com[']ittee to conferr with us according to our desire when it is manifest by that message you evade the matter proposed by us & industriously decline the request made by this house, it is true, that in answer to our message wherein We desire to conferr on means for establishing a Sufficient Currency you say you have appointed a Com[']ittee to meet one of this house, but then you prescribe to us that We shall only treat on such methods as might be thought proper for inabling the Inhabitants of this Province to support the expences they must be at in the defence of the Country & give

us your opinion that the present Currency is sufficient in proportion to the trade now carry'd on, & to understand that you are determin'd to make no alteration.

Gentlemen

We are constrain'd to tell you that this is not treating us in so ingenuous a manner as We might expect nor is it agreeable to that good correspondence Which we have allways desired might be preserved between the two houses. If you are thus resolv'd concerning the Currency to what purpose shall We conferr when this determination of yours has Stoped up every Avenue whereby our reasons might come before you and We are precluded from the benefit of all manner of debate.—

But it is with much greater concern Gentⁿ: We hear you say that you think it unparliamentary in us to insist on a conference upon a subject matter contrary to his Majesties Positive orders, As this house is compos'd of his Majesties good and Loyall Subjects they have allways paid the greatest defference & Strictest regard to his Royall Com'ands & they think it the more unreasonable in you to endeavour to lay them under such a Charge because they never attempted any thing that might Contradict the will of their Severeign or make them Obnoxious to so dangerous an imputation.

We are very well acquainted with the circumstances of the people We Represent & the Callamitys they labour'd under, And as We allways have so We shall continue to use our utmost Efforts to releive them, but if our just Views & good intentions are prevented, We know We have done our duty & have nothing to account for.

Thomas Broughton Speaker

The above message sent up by Mr: Whitaker & Mr: Tho^s. Smith
The following message was sent to the Council.

Hon^{ble}: Gentⁿ:

That We may decend to particulars of what We think necessary to be debated in the general Conference, since you think we were before too generall, the following matters We esteem of such consequence that they deserve the most serious consideration & debate of the generall Asse'mbly————

The miserable State of the Fortifications since by late advice from Great Britain a Warr is suddenly expected.

The affairs of the Indians w^{ch}: We esteem of the utmost consequences in this conjuncture.

The State of the Currency of this Province when under such circumstances.

We hope y^r., Hon^{rs}: will be of opinion with us that these affairs ought to have the most generall consultation & are therefore proper for the debate of a conference of both houses

Tho^s: Broughton Speaker

Mr: Sec^{ry}: Hart brought from the Hon^{ble}: Council the following message.

Mr: Speaker & Gentⁿ: In answer to y^r: message this morning rec'd by Mr: Attorney Generall & Mr: Smith, We are obliged to acquaint you We have much more reason to be surprized at the unusual expressions contain'd therein, charging us wth: evading the matter proposed by you & industriously declining the request made by your house.

Gentⁿ: We know not what you mean by taxing us with such unfair manner of proceeding, when We are so farr from evading that We plainly told you We were ready to conferr with you in order to agree upon such methods as might be thought proper for inabling the Inhabitants of this Country to support the expence they must be at in the defence of it, 'Tis true We did refuse conferring upon making any alteration in the Currency till his Majestie's pleasure was known (which We in duty thought our selves oblig'd to) If that be evading & breaking through that good correspondence w^{ch}: ought to be desired between the two houses, We must leave all impartial men to Judge We cannot apprehend how our refusal to make an alteration in the Currency (till his Majestie's pleasure be known) can preclude or debarr you of any debate in conference with us to consider of a proper application for obtaining leave to make a further Currency, (if that was the intent of your conference) In one of your messages of yesterday you told us that it would be to no purpose to conferr if We were determin'd not to make an alteration in the Currency, notwithstanding the reasons We gave you for it, if that be an imputation to charge you with contradicting our Sovereigns Will, We must leave it to be determin'd elsewhere;

You say further you think if the more unreasonable for that you have never attempted any thing of that nature, This Obliges us to put you in mind of a Vote passed in your house the sixteenth day of December 1725 & sent up to us.

As to the circumstances of the people of this Province We hope you will allow us to be no strangers to them, We shall not be backward in shewing our good intentions to promote the Publick good thereof & whatsoever may be the consequence of this disagreement between both houses, We are conscious to our selves of having faithfully discharg'd our duty both to his Most sacred Majesty & this Province

Signed by order of the Council

6th Jan^{ry}: 1726/7.

Ra: Izard.

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment

The following message to his Majesties Council was order'd to be drawn

Hon^{ble}: Gentⁿ:

This house is ready to meet you in a conference to discuss the severall matters We proposed in the morning but cannot be of opinion that the Council Chamber is a proper place, therefore desire that you will appoint any other place for that purpose.

Tho^s: Broughton Speak^r:

sent up by Cap^t: Bond & Maj^r: Hext.

The following Gentⁿ: were appointed managers of the conference

Mr: Lloyd Mr: Whitaker Mr: Allen Mr: Rhett & Cap^t: Bond.
Mr: Sec^{ry}: Hart brought from the Council the following message
Mr: Speaker & Gentⁿ:

according to your desire in your last message relating to a place of Conference, We appoint to meet you at Coll^o: Parris's house im^ediately.

Sign'd by order of the Council.

6th Jan^{ry}: 1726/7.

Ra: Izard

The house went to meet the Council in the Conference at Coll^o: Parris's

The house return'd from the Conference having desir'd to withdraw to consult on some matters in the debate

The house return'd to the conference & having finish'd the same return'd.

The house adjourn'd till to morrow morning nine of the Clock

Saturday morning the 7th day of Jan^{ry}: 1726.

The house mett according to adjourment

The house taking under consideration the debates of both houses in the Grand Conference of Yesterday came to the following: resolutions

Resolv'd that it is absolutely necessary im'ediately to repair the Fortifications of Charles Town & Johnston's Fort & to put in a good posture of defence all the Forts and Garrisons in this Province & to take other necessary measures for the defence of this Country——

Resolv'd that the following Gentⁿ: be a Com'ttee to consider of what is absolutely necessary to be done to put this Province in a posture of Defence & to make an Estimate of the charges thereof Viz^t: Coll: Herbert Coll^o: Fenwick Mr: Rhett Coll^o: Hall & Cap^t: Bond

And the following message was order'd to be sent to his Majesties Council.

Hon^{ble}., Gentⁿ:

This house has appointed a Com'ttee to consider of what is absolutely necessary to be im'ediately done to put this Province in a posture of defence and to make an Estimate of the Charge thereof & We desire that your Hon^{rs}: will appoint a Com'ttee to meet our Com'ttee on those affairs.

Tho^s: Broughton Speaker.

On motion the following message was order'd to be sent to his Hon^r: the President.

May it please y^r., Hon^r:

We desire that you will be pleas'd to give orders for taking up necessary Perriangers for transporting the Cape Fear Indians from Mr: Nicholl's Plantation to the Southward parts where they are going to settle.

Tho^s: Broughton Speaker

The above two messages sent up by Mr: Rhett & Cap^t: Nicholls. The house adjourn'd till munday next four of the Clock in the afternoon

Munday the 9th day of Jan^{ry}: 1726.

A Sufficient number of members to proceed on business not meeting Thomas Hepworth Esq^r: was chosen Chairman who adjourn'd the house until to morrow morning nine of the Clock

Tuesday morning the 10th day of Jan^{ry}: 1726.

The house mett according to adjournment

And adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment.

And adjourn'd till to morrow morning nine of the Clock

Wednesday the 11th day of Jan^{ry}: 1726.

The house mett according to adjournment

Geo: Smith Esq^r: laid before the house according to a former order a bill to preserve the Navigation & Fishery in the several Rivers & Creeks in this Province w^{ch}: bill was read the first time & past with amendments.

Geo: Smith Esq^r: moved that a bill be brought in to prevent the keepers of Publick houses trusting loose and Idle persons— And the following Members were appointed a Com^{it}tee to bring in the s^d: bill Mr: Smith Mr: Whitaker & Cap^t: Dry—— Mr: Sec^{ry}: Hart brought from his Hon^r: the President the following message together with some letters relating to the affairs of the Swiss

Mr: Speak^r: & Gentⁿ:

The Cheerkees have now been above a month with us & at a very great expence to the Publick waiting for the coming of the Creek Indians; and yesterday Hobihatchee (the Cheif of the upper Creeks) being arrived & the lower people I think now not to be expected, I propose to you that a time may be sett to treat with the Cheerkees & the upper Creeks exclusive of the lower, This I recomend to you for it is very expensive & of ill Consequence to keep them here so long——

I will prevail with the Com^{it}tee of his Majesties Council that are on the Receiver's books to forward the settling of them & hope your Com^{it}tee will join them for the proper time for raising the Generall Tax for the Support of his Majesties Government in all its branches, run's away a pace.——

I will take care to lay before you our Agents & Solicitor's acc^{ts}: in order to their being laid before the Com^{it}tee for drawing up the Estimate of the Year—

I send you the accounts I have rec'd in relation to the miscarriage of the Swiss that were going into Holland in order for this Place by which you will see where they lay most of the blame.

11th Jan^{ry}: 1726/7.

Ar. Middleton

The above message being read the following message was order'd to be sent in answer to part of the Subject matter thereof

Hon^{ble}: Gentⁿ: This house has directed the Com[']tee on Indian affairs to take under consideration the matters relating to the Creeks & Cheerokes now in town & we desire that a Com[']tee of his Majesties Hon^{ble}: Council may be appointed to join our Com[']tee on that affair im[']ediately

Tho^s: Broughton Speak^r:

Sent up by Mr: Eveleigh & Mr: Allen.

Mr: George Smith was added to the Com[']tee on Indian affairs

Mr: Sec^{ry}: Hart brought from his Hon^r: the President the following message.

Mr: Speaker & Gentⁿ:

Pursuant to your message by Mr: Eleazer Allen & Mr: Eveleigh I have appointed the Hon^{ble}: Coll^o: William Bull & Benj^a: Schenkingh Esq^r: to be of a Com[']tee of this house to meet your Com[']tee im[']ediately.

11th Jan^{ry}: 1726.

Ar. Middleton.

Mr: Sec^{ry}: Hart brought from his Hon^r: the President the following petitions.

The Petition of Henry Gibbes

The Petition of the Inhabitants of Wassumsaw Precinct

The Petition of John Moreton

The humble Representation of Capt: Southerland

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment

Capt: William Dry from the Com[']tee on Indian affairs made the following Report.

The Com[']tee appointed to Conferr with a Com[']tee of his Majesties Hon^{ble}: Council on the affairs of the Cherokee & Creek Indians now in Charles Town Do Report.

That before any treaty of Peace be set on foot the s^d: Indians be severally discoursed to know their inclinations towards a separate peace

That if they are so inclined it be strongly insisted on that the Abecas do remove to the Pallachucola old Towns & that it be fully explain'd to them how much it will be for their interest— That suitable Cloaths be provided as soon as may be for the Creek Indians here in town Viz^t: The same for Obihatchee that was designed for Chigilly & for the others proportionable to their Ranks & that the President be desired to give orders for the same

Reasons why it will be for the advantage of the Abecas to remove to the Pallachucola old towns.————

First . . . The land is better.

Secondly . . . They will have their goods Cheaper

Thirdly . . . They will be farther from their Enemies & so safer

Fourthly . . . The hunt is better

Fifthly . . . The Cheerokeses may by chance in their hunts (& without design) kill some of them by supposing that they are other part of the Creek nation w^{ch}: will be a means of breaking the Peace

Sixthly . . . That it is now a good time of the Year to remove in order to prepare for a Crop the ensuing Year & that till their Crop is ripe the Publick will furnish them with corn for the Subsistance of them all if they'll remove immediately

Seventhly . . . That they have allways proved themselves Friends & never insulted us as the lower Creeks have done & that if it ever happens that We should be oblig'd to break with the lower Creeks the path to the abecas would be stoped by which their Trade would be lost.

eightly . . . That if Oboyhatchee were to remove with his Family he is so beloved & has such a Sway all his nation would follow him & therefore it lyes wholly on him to declare whether he'll remove or not.

ninthly . . . We beleive the lower people will be ag^t: their removing because where they are now settled they will be a barrier between them & the Chickesaws as they hitherto have been between them and the Cheerokeses & so will allways bear the brunt of any such War

Talk for the Cheerokeses.

That they have now been upwards of a month in the Settlements: waiting for the coming of the headmen of the several parts of the Creek Nation.

That none are come agreeable to their promise but the head men of the Abecacas nor is there any Room now to expect that they will come.

That the Abecacas are the people that have allways behaved themselves the best to the English of any of the Creek Indians.

That they are the only people that have all along been most inclinable to a peace with the Cherokees,

And that therefore our Governmt: are willing to make a separate Peace for them in case both parties agree to it.

The above Report was read & Agreed to.

And then the Question was put whether Coll^o: Chicken should be directed to sound the Cheerokees & Capt: Fitch the Creeks on the Subject matter of the said Report.

Carryed in the Affirmative

Upon which the following message was order'd to be sent to his Hon^r: the President

May it please y^r., Hon^r:

Herewith you will receive the Report of the Com[']tee appointed to consider what is proper to be said to the Cheerokees & Creeks in Town which this house has agreed to & We are of opinion that it is necessary that Coll^o: Chicken should endeavor to find the Sentiments of the Cheerokees & Capt: Fitch the Creeks on the subject matter of the said Report.

Thos: Broughton Speaker

The above message & Report sent up by Mr: Allen & Mr: Tho^s: Smith

The petition of Henry Gibbes Esq^r: was read & the prayer thereof granted

The Humble Representation of Capt: James Southerland was read and com[']itted to the Com[']tee appointed to make an Estimate of the charges of Repairing the Fortifications.

The petition of the Vestry of Prince George's Parrish was read & Com[']itted to the Com[']tee of Petitions.

The petition of the Inhabitants of Wassumsaw Precinct was read and the consideration thereof postponed until the affair of the Precinct C[']rts: comes under debate.

Mr: Sec^{ry}: Hart acquainted the house that the Com^{it}tee of Council was ready to meet our Com^{it}tee to consider of the Fortifications. —————

Mr: Sec^{ry}: Hart brought from his Hon^r: the President the following message.

Mr: Speaker & Gentⁿ:

We have read the Report of the Com^{it}tee of the Indian Affairs relating to the Indians now in Town & pursuant to the proposalls therein, We intend to have a private conference wth: them to night, We should be glad to have your Com^{it}tee here at the same time that both Com^{it}tees may consider what is further to be offer'd to them.

11th Jan^{ry}: 1726.

Ar. Middleton

Order'd that Mr: Roger Moore & Maj^r: Hext be added to the Com^{it}tee to meet the Com^{it}tee of Council on the State of the Fortifications

The severall Com^{it}tees attended the matters they had in charge. The house adjourn'd till to morrow morning nine of the Clock

Thursday morning the 12th day of Jan^{ry}: 1726.

The house mett according to adjournment

The additional Bill to an Act intituled An Act to Ascertain the manner & form of Electing members to represent the Inhabitants of this Province in the Com^{ons} house of Assembly & to appoint who shall be deem'd & adjudged Capeable of Choosing or being Chosen Members of the Said house was read the second time & past wth: amendments

Mr: St: Julien laid before the house according to order the two bills following Viz^t: a bill for the encouragem^t: of killing & destroying Beasts of Prey. ———

A bill to Revive and continue the severall Laws therein mention'd

The bill to preserve the Navigation & Fishery in the several Rivers & Creeks in this Province was read the first time & past wth: Amendm^{ts}:

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment

Mr: Sec^{ry}: Hart acquainted the house that the Cheerokee Indians were at the Council Chamber & desir'd that the Com^{it}tee of

this house on Indian affairs might meet the Com'ittee of his Majesties Council & that said Com'ittee going out.

The house adjourn'd till to morrow morning nine of the Clock

Friday morning the 13th day of January 1726.

The house mett according to adjournment

The bill to Revive and continue the severall Laws therein mention'd

The bill to preserve the Navigation & Fishery in the several Rivers & Creeks in this Province were both read the first time & past with amendments.

And the aforesaid two bills & the two bills that past this house Yesterday were sent up by Cap^t: Fitch & Cap^t: Nicholls

On motion the following message was sent to his Hon^r: the Presid^t:

May it Please y^r: Hon^r:

We desire that you will be pleas'd to dispatch away the Cheerokees as soon as possible they being at very great expence to the Publick & daily falling sick from their irregular living in Charles Town.

Tho^s: Broughton Speaker

Sent up by Cap^t: Fitch & Cap^t: Heyward.

Mr: Robert Hume from the Com'ittee appointed to View the Magazine made the following Report.

The Com'ittee on the Magazine &^{ca}: appointed to View Craven's Bastion & consider of Coll^o: Brewton's proposalls do Report

That they have been and viewed the said Fort & are of opinion the same is a proper place to secure the powder during the Repair of the floor of the Magazine but that the same ought to be better fenced against Rains & a good Guard of at least four men upon Duty in the day and twelve in the night & the people therein living be order'd to remove in the mean time.

That the Com'ittee have examin'd Mr: Salter & agree to the Estimate of the Charge.

The above Report was read & order'd that Coll^o: Brewton be directed to move the powder by White people & that the merchants do so likewise & the Cap^{tns}: of the men of Warr have timely notice of the same

On motion the Question was put whether the house would proceed on the further debate of the Committee of Greivances

Carried in the affirmative

Mr: Cheif Justice Hepworth in his place declaring that when a Question was put in this house the 22^d day of December & carryed in the Affirmative that the opinion of the Generall Court in Charles Town of the 22^d of August One thousand Seven hundred & twenty four was contrary & repugnant to a clause in an Act of the Generall Assembly of this Province, he was then sick in his bed & praying to be heard to Justify himselfe on the proceedings of the s^d: Court of the aforesaid date & having leave so to do he proceeded & being heard to his Justification as he desired

Motion was made that the following Question should be put, If the reasons the Cheif Justice has given are sufficient to induce the house to expunge the Question carryed in the affirmative in this house of the 22^d day of December.

But on a further motion the following Question was put

If as many Judges of the Generall Court in Charles Town as are members of this house should withdraw at the putting of the above Question.

Carried in the Affirmative

Mr: Cheif Justice Hepworth & Geo: Smith Esq^{rs}: withdrew accordingly & then the following question was put.

If the reasons the Cheif Justice has given are sufficient to induce the house to expunge the afores^d: Question carryed in the affirmative in this house the 22^d day of December last.

Carried in the Negative.

And the house proceeding to the second Parragraph of the Report Mr: Robert Hume being a Lawyer & a member of this house was order'd to withdraw before any Question should be put on the s^d: parragraph & he withdrew accordingly.

Mr: Sec^{ry}: Hart brought from his Majesties Hon^{ble}: Council the following messages together with a bill for encouragem^t: & destroying Beasts of Prey & a bill to preserve the Navigation and Fishery in the severall Rivers & Creeks in this Province both read in Council the first time & past with amendments.

Mr: Speaker & Gentⁿ:

We think it proper to postpone sending away the Indians till We meet again next Week, so that if the lower Creeks should

arrive in the mean time the whole affair may be then concluded, but if the Creeks should not be then come, We shall dispatch the Cheerokees back directly.

13th Jan^{ry}: 1726.

Ar. Middleton

Mr: Speaker & Gentⁿ.

The bill for reviving & continuing severall Laws being now brought up for our reading, We have order'd to lye on the table till We can have an account laid before us what sum's have been raised & expended on the building for the Arms in Charles Town & allso an estimate made of what further will be wanting to finish the same.

13th Jan^{ry}: 1726.

Ra: Izard

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment.

The Report concerning the repairing the Magazine was sent up by Cap^t: Fitch and Cap^t: Heyward.

Mr: Sec^{ry}: Hart brought from his Hon^r: the President the follo^g: message

Mr: Speaker & Gentⁿ:

We desire that the Gentⁿ: appointed Com[']iss^{rs}: for building the Armory will draw up & Lay before us an Estimate of what will be wanting to finish the same.

13th Jan^{ry}: 1726.

Ar: Middleton

The house again resumed the debate on the Report of the Com[']ittee of Grievances & having gone thrô the whole Report the house agreed to the same with some amendm^{ts}::

And then some parts of the Representation of the Judges of Charles Town sign'd by Thomas Hepworth Esq^r: Cheif Justice Coll^o: John Fenwick and Coll^o: Allexander Parris was taken under Consideration

Resolv'd that several Clauses and Parragraph's of the s^d: Representation are false & Scandalous & highly reflecting on the Hon^r: of this house & that therefore the s^d: Representation be Rejected

Order'd that the aforesaid Report of the Com[']ittee of Greivances as it was altered in the house be enter'd in the Journal. The Com[']ittee appointed to inspect into the several Greivances of this Province do further Report.

That they have severall and very great Greivances laid before them by Divers persons w^{ch}: arrise principally from three causes.

First from the irregular proceedings of the Charles Town Court and invading the Jurisdiction of the other Courts.——

Secondly from the Combination of the Practitioners of the Law with intent to oversett & render as a nuisance the s^d: Precinct & County Courts

And thirdly from the unwarrantable Steps & undue measures taken by the Provost Marshall.

And to Obviate those evils for the time to come as well as to put it in the power of every abused person to do himselfe Justice your Com^{it}tee, proposes.——

That in order to encourage some person skill'd in the Law who has, Capacity & Resolution enough to do Justice & keep due orders, the value of five hundred pounds Proclamation money (the exchange to be settled Yearly by the Generall Assembly) be raised Yearly & pay'd out of the Publick Treasury quarterly to such person as shall be appointed for that Office who shall be obliged to go the Circuits & preside over each Court.

That such Itenerant Judge be cut off from all manner of ffees whatsoever & that the severall ffees prescribed as due to any Judge or Judges by any former Law or Laws be collected by the Clerk of each Court for the use of the Publick.

That the severall County and Precinct Courts be the same in number as they are at present.——

That some Gentⁿ: of the Law have likewise a Yearly allowance of fifty pounds Proclamation money ꝑ Annum for his advice & Assistance on all Occasions in matters that concern the Publick

That none be permitted to be Sworn Attorneys but such as have Qualifications requisite for that imployment

That if any Lawyer not Preengaged refuses to take a ffee ag^t: any person, he be silenced from ever pleading hereafter if the Party whose ffee he refuses complains on Oath thereof to the Cheif Judge & to make it appear that he is really preengaged when there may be reason to suspect otherwise he be abliged to confirm the same by Oath.

That the other County & Precinct Courts have equal authority with that of Charles Town for determining all civil matters.

That the arresting three or four persons for one & the same debt is an innovation of the utmost ill Consequence w^{ch}: would be discouraged if the Charges arrising from such Process were but as thô one person had been sued,

That no execution be hereafter issued for any more than shall be proved in Court to be justly due whether on Bond, Bill, Note or otherwise.

That the Com'uting of Bonds in the manner now practiced is very destructive & Injurious allready & will be much more so as our Currency decreases.——

Wherefore your Com'ittee are of Opinion that it will be a piece of Strict Justice to both parties & a service to the Province in Generall if each Debtor be obliged to pay no more than his Original Debt with ten ₧ Ct: interest from the time it be-came due in it's first intrinsick Vallue

That the Sum'oning of people who are not Freeholders is a great cause why so many of those desert & that for the future the Marshall be obliged to take all such by Arrest.

Your Com'ittee conceive these to be the Cheif Reasons why so many people leave this Province daily as they do w^{ch}: We hope may in a great measure be prevented for the future by timely Remedys.

And We further Report that a new method lately introdutced of prosecuting people by way of Information will if not Stopped in time be as great a Greivance as any & therefore ought to be discouraged all We can except where such information be first transmitted to the Grand Jury——

And for the easy recovery of small Sum's your Com'ittee proposes that all debts not exceeding twenty pounds be heard & determin'd by one Justice of the Peace & his Judgem^t: to be decisive.——

The Com'ittee further proposes that there be a bill brought in to encourage the return of deserters by Freeing them from any Process on account of their old Debts for a term of Years w^{ch}: We beleive would encourage several to come back & become good Settlers whereby the Province in Generall would reap an advantage & their Creditors stand a chance of getting their Debts which they now look upon as lost, And that in the said Law there be a Clause to prevent any servants crossing Santee or Win-yaw Rivers without lycence from the Government by making any

one that shall be aiding or assisting in the Ferrying over such persons liable to the Dam'ages accruing thereby——

That it is necessary that the two bills for Regulating the Practice of the Law & Directing the Marshall's proceedings be revised & brought in again with proper additions.——

Your Com'ittee do further Report that they having considered the hardships Complain'd of by the Will town Justices imposed on them by the Judges of Charles Town Court & occasioned by a Complaint from Mr: Mackfarland are of opinion that the proceedings against them were Arbitrary & illegal.

Your Com'ittee allso Report that if some method be not taken to prevent Shipping throwing their ballast into the River the Channel of Cooper River will in some time be stoped up——

That it appears to this Com'ittee some of the Records filed in the Office of the Clerk of the Crown have been made away with which being an affair of such Consequence to the whole Province We think should not be tamely put up——

That it be an instruction to the Lawyer proposed by your Com'ittee to give his advice & Assistance to the Publick, to direct every person applying to him whose Complaints are now lying before the Com'ittee & justly founded, in what man'er they are to proceed to get themselves righted & in order thereto that the said severall Complaints be deliver'd to the s^d: Gentⁿ: of the Law the several Complain^{ts}: paying him for the same.

That if any Process be issued ag^t: any person to appear at any other Court than that of the County or Precinct in which he Resides, such person upon his bringing two Evidences to prove in Court that he is a Resident of a different County or Precinct to that where the Action is laid shall be dismiss'd & the charges of such Suit to fall on the Plaintiff.——

That the Law w^{ch}: obliged people to go arm'd to Church &ca: wants strengthning——

That a bill be brought in to Regulate Surveyors in the Execution of their Office——

That no Plantation or out Cowpen with Slaves be kept without a White man & that the owners of Slaves be obliged to keep a White man for every ten Male Slaves they are possessed off from the Age of Sixteen to Sixty——

Your Com'ittee do further inform that since the withdrawing their Report they have rec'd & read the Representation of the

Charles Town Judges wherein as they conceive is contained some things which We beleive the Judges themselves scarce understand & therefore no reflection on the Com'ittee if they are at a loss to guess at their meaning & allso several Positions of a dangerous Tendency to this Province, as first the whole Government: is arraigned for passing Laws as 'tis suggested contrary to the Kings Instructions & Repugnant to the Laws of England.

Secondly the Judges Suggest they have a power of dispensing with all such Laws at pleasure & that they are Sole Judges & Interpreters of our Laws w^{ch}: your Com'ittee are of opinion is assuming a power Superior to that of this house & equal with that of the whole Legislative body united.

And your Com'ittee to Justifie themselves ag^t: what they are so falsly charged with by the Charles Town Judges do say that it was on severall Complaints w^{ch}: are sworn to but particularly that of the Will Town Justices with what else about that affair appears on Record and on severall clauses of the two County & Precinct Court Acts & the Act for authorizing the generall Court &^{ca}: that We grounded that part of our Report.

Wherefore your Com'ittee in Justice to themselves as well as in Hon^r: to this house that appointed them a Com'ittee to receive the grievances of this Province are obliged to take notice that they act as a Com'ittee without ffee or regard, that they have no other Views as members of the house but that of serving the Publick in generall & themselves only as part of the Com'unity & that to be Stigmatized with being partial & unpresidentall & accused with acting Derogatory to the Hon^r: & Dignity of Parliam^{ts}: are such hard Epithets as they cannot digest & if Com'ittees are to be censured in such a manner for only giving their opinion, We Conceive it will entirely destroy the design of Com'ittees, the consequence of which We refer to the Consideration of the house & therefore pray Justice in such Sort as to this Hon^{ble}: house shall seem right & reasonable——

The house adjourn'd till tomorrow morning nine of the Clock

Saturday the 14th day of January 1726.

The house mett according to adjournment.

Mr: Sec^{ry}: Hart brought from his Hon^r: the President the petition of William Drake & Eleazer Wiggan.

On motion the following Question was order'd to be sent to his Hon^r: y^e Presid^t:

May it please your Hon^r:

Coll^o: John Woodward a Member of this house for Port Royall being dead, We desire that your Hon^r: will be pleas'd to issue out a Writt for Electing another Member in his room for the s^d: Parish.

Tho^s: Broughton Speaker Order'd that the Com[']ittee of grievances do bring in the severall bills agreed to in the s^d: Report of the s^d: Com[']ittee read yesterday in this house and agreed to.

Order'd that Clerk of this house do give Publick notice that all persons who have any grievances to lay before the Com[']ittee appointed to receive them do the same within fourteen days from the date hereof otherwise none will "be received during this Session, & that all persons "who have any petitions lying before the house do "attend the Com[']ittee to whom they are referr'd on "Tuesday next the 17th of this Instant January..——

The petition of William Drake was read & referr'd to the Com[']ittee of petitions.

Order'd That Mr: Lloy'd Mr: Rhett Mr: Hume Mr: Allen and Mr: Eveleigh be a Com[']ittee to examine into the State of the Watch & to lay proposalls before the house for the better Regulation of the said Watch.

The house adjourn'd till munday next four of the Clock in the afternoon

Munday the 16th day of January 1726

A Sufficient number of members not meeting to proceed on business Cap^t: Tobias Fitch was Chosen Chairman who adjourn'd the house till to morrow morning nine of the Clock.

Tuesday the 17th day of January 1726.

The Speaker adjourn'd the house till two of the Clock in the afternoon

The house mett according to adjournment.

The petition of Eleazer Wiggin was read & referr'd to the Com[']ittee of petitions.

The petition of the Inhabitants of St: John's Parish praying leave to bring in a bill for making Biggin Creek navigable was read & leave given to the petitioners to bring in such a bill according to the prayer of the said petition.

The bill for the encouragem^t: & destroying Beasts of Prey was read the second time & past with amendments.

The bill to preserve the Navigation & Fishery in the several Rivers & Creeks in this Province was read the second time & past with amendments.

The Com[']ittee attended the matters they had in charge.

The house adjourn'd til to morrow morning nine of the Clock

Wednesday morning the 18th day of January 1726.

The house mett according to adjournment

The humble petition of Theophilis Hastings was read & re-ferr'd to the Com[']ittee of Petitions

An account of Samuel Pickring was read and re-ferr'd to the Com[']ittee of Petitions

The several Com[']ittees attended the matters they had in Charge

The house adjourn'd till two of the Clock in afternoon

The house mett according to adjournment

The Com[']ittees again went out.

The house adjourn'd till to morrow morning nine of the Clock

Thursday the 19th day of January 1726.

The house mett according to adjournment

The bill to preserve the Navigation & Fishery in the several Rivers & Creeks &^{ca}:

The bill for the encouragement of killing and destroying Beasts of Prey were sent up by Mr: Eleazer Allen.

On motion of Benj^a: Whitaker Esq^r: that a Com[']ittee be appointed to take under consideration the State of the Case lately sent over to this Province by Francis Yonge Esq^r: Agent to this Province & the following Gent^u: were appointed of the said Com[']ittee Viz^t: Benj^a: Whitaker Esq^r: Coll^o: John Fenwicke & Cap^t: Izard.

And then the following message was order'd to be sent to his Majesties Hon^{ble}: Council.

Hon^{ble}: Gentⁿ:

This house having appointed a Com[']tee to take under Consideration the State of the case between the Inhabitants of this Province & the L^d: Proprietors & We desire that a Com[']tee of his Majesties Hon^{ble}: Council may be appointed to meet our Com[']tee on that affair forthwith

Tho^s: Broughton Speaker

The above message sent up by Mr: Whitaker and Mr: Ashby—
Order'd that a new bill be brought in to Regulate the Patroles.
Mr: Sec^{ry}: Hart brought from his Hon^r: the President the following bills read in Council the second time & past with Amendments.

A Bill to Revive & Continue the several Laws therein mention'd—
A Bill to preserve the Navigation & Fishery in the several Rivers & Creeks &^{ca}:

A Bill for the encouragem^t: of killing & destroying Beasts of Prey

The following message was order'd to be sent to his Hon^t: the President

May it please your Hon^r:

As the Lower Creeks may be daily expected in Town We are of Opinion that there is an absolute necessity to consider of what ought to be say'd to them, & to concert proper measures to be taken with the Indians in so Critical a conjuncture & therefore desire the Com[']tee of his Majesties Hon^{ble}: Council appointed on Indian affairs may meet our Com[']tee forthwith to take those matters under consideration.

Tho^s: Broughton Speaker

Sent up by Capt: Fitch and Capt: Heyward

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment

The Com[']tees attended the matters they had in Charge
The house adjourn'd till to morrow morning nine of the Clock

Friday the 20th day of January 1726.

The house mett according to adjournment

Order'd that the following Gentⁿ: be a Com[']tee to enquire of the Com[']iss^{rs}: of Charles Town the reasons why the s^d:

Road is not made to the extent of the bounds of St: Philips Parish. Viz^t: Mr. Roger Moore Mr: St: Julien & Cap^t: William Saunders.——

Coll^o: Fenwick from the Com[']tee of Indian affairs made the following Report.

The Com[']tee upon Indian affairs Do Report

That they are of opinion it is absolutely necessary for the future peace & welfare of this Province that an expedition be immediately formed in order to reduce the Yamassees & Cheerikeeleechee's people & in order to defray the Charge thereof that £4000 be raised this present Tax to be advanced to Equip the men &^{ca}: & that upon the return of the men that orders be drawn by the Generall Assembly payable in the succeeding Tax for what remains; And that till the house agrees to this matter your Com[']tee cannot proceed to Report what is further necessary to be done in respect to the Indians now coming to Town; The Council agrees to this Report & also that they will join with us in passing a bill with a saving clause praying his Majesty that We may have liberty to reissue such Sum's of the money as is to be sunk arising from the Duties of this Province & that the same may be applied to Fortifie this Province & to defray the Charge of this or any other expedition against our Indian Enemies.

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment

The Report of the Com[']tee on Indian affairs laid before this house this morning being now read & taken under consideration. The Question was put on the first paragraph thereof whether an expedition should be formed ag^t: the Yam[']assees & their Allies

Carried in the Negative

And then the Com[']tee were order'd to consider of what is proper to be say'd to the Lower Creek Indians expected soon to come to Town

Mr: William Rhett from the Com[']tee appointed to make an Estimate of the charge for repairing the Fortifications made the following Report w^{ch}: being read & taken under consideration & agreed to Unanimously, The following message was sent to his Hon^r: the President

May it please y^r., Hon^{rs}:

The Report herewith sent your Hon^{rs}: concerning the State of the Fortifications & an Estimate of the expence of putting them in the best posture of Defence has been read & unanimously agreed to by this house & as We think this will be of the last consequence to the safety of this Province We hope your Hon^{rs}: will agree to this Report

Tho^s: Broughton Speak^r:

Sent up by Cap^t: Dry & Cap^t: Heyward.

The Com^{it}tee on the Fortifications of Charles Town & Johnsons Fort Do Report.

That they have viewed all the works about Charles Town & find them in order as follows.

First. In Iloors Fort or Bastion

5 great Gun's 1 of 9^{lb} ... }
4 of 4 & 6 } carriages Rotten

The Bastion quite out of Repair

The Curtain from s^d: Bastion to Granvill's wanting some Repair
In Granvill's Bastion

12 Gun's 11 of 9^{lb} }
1 of 12 } mounted the Carriages all in good order

Except 3 & one of the Gun's much Honey Comb'd.

A Flagg Staff Flagg & a Gun.

In the inner room of the Guard house

50 Chests of Granadoes filled.

10 Powder horns with priming Irons

4 Doz of empty Cartridges & 3 doz baggs of Patridge Shott

In the outer room

10 brass & 5 Iron Cohorn Morters

1 Blunderbusk with a Swivill

7 or 800 of round & Barr Shott & broken Iron many of the
Shott too large for the Gun's

20 Launces & 14 Seyths

5 Copper ladles 10 Worms & 1 Iron Scourer.

20 Spunges with Ram'ers in good order: some repair wanting to
the Bastion.

Between Granvill's Bastion & Mr: Lloyd's Bridge

5 Gun's of 4^{lb} in carriages, both Gun's & carriages defective.

2 of 6^{lb} without carriages

1 of 9^{lb} & 2 of 7^{lb}: mounted in good order.

2 of 6^{lb} with carriages 1 bad

4 of 6^{lb} between Lloyd's Bridge & Hancocks mounted several carriages bad.

In the Angle in the Curtain before Mr: Andrew Allen's

5 Great Gun's in Ship carriages all out of order & the work wants repair.

Before Coll^o: Parris's house

7 Gun's of 6^{lb} mounted 4 carriages bad.

In the half moon

A brass bomb with 25 Shells for D^o:

9 Gun's 2 of 6^{lb} }
7 of 4 } mounted several carriages bad

The Fort wants some Repair.

7 Gu'ns between Mr: Rhetts Bridge & the Angle of the curtain before Doctor Cooper's

5 of 6^{lb} & 2 of 4^{lb}: & 4 Carriages but good for nothing

In the Angle

4 Gu'ns of 4^{lb}: in Ship carriages bad & the Angle in a very bad Condition

The Angle in the Curtain ag^t: Mr: Sim'ons must be entirely rebuilt

Near Craven's Bastion

3 Gu'ns 2 of 3^{lb}: 1 a small murdering piece the carriaged all bad.

In Craven's Bastion

11 Gu'ns 6 of 9^{lb} 5 of 6^{lb} in Ship carriages all bad.

The Platt form through out bad & most of the Embrasseures requires repairing.——

2 Wooden morters bound with Iron

2 Copper ladles & 1 Iron Ram'er

6 Ram'ers without Spunges. & 1 hand Spike

The Curtain line between Cravens Bastion & the severall works to Granvill's Bastion intirely Ruined.

The other part of the Fortifications from Iours Bastion round the back part of the town to Craven's Bastion are allmost Levelled & in no manner defencible.

The Com'ttee are of opinion that the necessary Repairs ought im'ediately to be made & that new Carriages be forthwith provided & that such Gun's as are Suspected to be bad be proved & the Chests of Shells in Granvill's Bastion be examined & put in

order. That all necessary Stores be provided for the use of the severall Bastions; & the better to secure this town & to prevent an Enemy landing the Com'ittee are of opinion that a Battery be Erected on the point near the Windmill to mount ten of the best Gun's & that Lines be marked out from that Battery round as farr as Craven's Bastion to the north part of the Town.

The Charge of the Repair of the Fortifications &^{ca}: is incerted in the Estimate annexed to this Report.

The Com'ittee have allso viewed Johnson's Fort & do Report that there is an absolute necessity to put the Battery & the other works about that Fort into repair out of hand for according to it's present Condition it's very defenceless, the particular acc^{ts}: of s^d: Fort is hereto annexed & the Sum' necessary to repair it is incerted in the Estimate before mention'd. The Com'ittee are further of Opinion that two Perriaugers should be provided for the use of the Publick to receive what Ballast shall be brought in & to carry it to the severall parts of the fortifications of Charles Town & Johnson's Fort where it shall be thought proper to be used & that a bill be brought in to oblige all masters of Ships to deliver their Ballast for the Publick use & to lay a severe penalty on any that shall throw their ballast into the River; That as there are many Stores and necessaries for the severall Forts & Garrisons in this Province wanting the Com'ittee have proposed a Supply to be provided as is in the Estimate; The Com'ittee considering that in case a Warr happens the Enemy will be encouraged to invade our Southward Settlements w^{ch}: as they lye more exposed, & as the Harbour of Port Royall is capable to receive many and large Ships of Warr they may therefore be induced to make their attacks first there, the Com'ittee do therefore propose for the better security of that place & for a retreat to the severall Inhabitants in those parts that a good substantial Fort be erected at Beaufort or at the most convenient place about that harbour & to be built with lime shells & sand mixed together as it is proposed the new Battery at White Point should be & to be as regular & defencible as may be. That as the Com'ittee think there is the most absolute necessity forthwith to proceed on the repairs & Execution of the other works here proposed, the charge of w^{ch}: according to the estimate made by them will be at least £13825,0

It's therefore humbly proposed that out of the moneys lying in the Treasurer's hands to be burnt £15000 be applied pursuant

to the aforesaid Estimate, that We may be on our guard & ready upon first alarm to receive our Enemies.

The Com'ittee on Johnson's Fort &^{ca}: account of the Condition of said Fort.

First in the N. E. Bastion

A Gun' of Six pound called the signal Gun the carriage broke. 1 of 3^{lb} in Carriage much honey Comb'd, Flagg staff Flagg and Pendant.

In the Curtain between the N. E. Bastion the Tenaille on the N. W. Angle of the Fort.

2 Gun's of 6^{lb}: each in carriages in good order

1 of Ditto carriage broke and dismounted

In the Tenaille

1 Gun' of 2^{lb}: dismounted & an old carriage

In the S. W. Bastion

1 Gun' of 2^{lb}: in a carriage in good order

Within the Fort between 15 & 16 rounds of Round & Barr Shott

| | |
|---|------------------|
| a Copper ladle for 12 ^{lb} : Gun | } In Good order. |
| 12 Spunges & Ram'ers . . . | |
| 1 Worm 40 launces | |
| 12 small Arms | |

12 Cartouch boxes filled as the Cap^t: says

12 D^o: empty

20 Hand Spikes, defective

In the Magazine.

60^{lb}: of powder, but damp

In the Battery

15 Gu'ns of 12^{lb}: & 9^{lb} 1 dismounted 3 carriages bad.

The Condition of the Fort.

Front of the Battery much Sunk & the work ready to fall to pieces, The Embrasseurs quite gone & the Platt form so rotten & decayed that severall of the Gu'ns are sunk below and cannot be used, so that there is an im'ediate necessity for this whole work to be throughout repaired.

The foundation of the N. E. corner of the Ravelin before the draw bridge undermined and the work down, The Pallasadoes in the Ditch & the other parts of the Fort mostly decayed.

The bridge going into the Ravelin wants much repair & the frame of the Gate and Draw bridge in s^d: Ravelin must be intirely new, the Parapett of that work is quite level it having

been left unfinished when the last Repairs were made; The bridge leading from the Ravelin into the Fort is in pretty good order requiring only two or three new Planks but rope is wanting for Pullies to the inner draw bridge.

The Parapett of the S. W: Bastion & some part on the Tenaille is still unfinished & severall of the Parapetts round the Fort must be repaired it having been much shaken by firing of the Gu'ns while the work was new.

Plattforms for all the Gun's within the Fort are wanting——
The Guard house in good Repair & the Cap^t: house raised and may soon be finished.

Cartridge paper & match & 6 sizable ladles are wanting & a Gin to mount several of the Gu'ns.

If the Magazine of Johnson's Fort was filled in about three feet with brick & air funnells made 'twould prevent the damp which destroys the powder kept there.

The Cap^t^{ns}: account of expence of powder not ready but promises to lay it before the Com[']itte in two or three days.——

Estimate of the charges for repairing the Fortifications of Charles Town & Johnson's Fort & erecting other necessary works for the better defence of s^d: town & Fort.

| | |
|--|----------|
| First a new Battery on White point to mount ten Guns of | £ |
| 9 th : each will take 10000 bushells of lime 2 ^s ₤ bushell | 1000..0 |
| Negro hire twenty Negroes 200 days at 7/6 ₤ day each | 1000..0 |
| Cypruss Planks for Platt forms 2500 feet at £40 ₤ Ⓐ | 800..0 |
| 500 Cedar posts for Sleepers for the Platt form & for a | |
| Shed to run' the great Gun's under 15 ^s each | 375..0 |
| Boards for casing the work 10000 foot 30 ^s /₤ 100 | 150..0 |
| Boards & other materialls to build a Shed the length of | |
| the battery to preserve the Gun's and carriages & allso | |
| for a Guard room & Store to keep the Stores of the | 500..0 |
| Battery | |
| Carpenters work & for Overseers to the Negroes | 500..0 |
| 20 ^d Nailes & ^{ca} | 300..0 |
| | <hr/> |
| | £4625..0 |

Fortifications of Charles Town.

| | |
|---|--------|
| For Repairs to Granvills Bastion | 200..0 |
| For D ^o : to the Angle in the Curtain before M ^r : Allens | 50..0 |
| For the halfe moon | 100..0 |

| | |
|---|------------|
| For the Angle in the Curtain before Doct ^r : Coopers..... | 200..0 |
| For the Angle in the Curtain against M ^r : Simons's house } to be entirely rebuilt..... | 500..0 |
| For the Repair of Cravens Bastion..... | 1000..0 |
| For 60 new Carriages to mount the Guns at 10 [£] Ⓕ..... | 600..0 |
| | <hr/> |
| | 7275..0..0 |

Johnson's Fort

| | |
|---|------------|
| The Front of the Battery & Platt form to be intirely new } The foundation of the Ravelin repaired, The severall } Parapetts to be finished, New Platt forms to be made } within the Fort, The gate of the Ravelin to be new & } the Drawbridges repaired, The Pallisadoes round the } Fort all new & ten new Carriages a New Gin & ^{ca} | 4000..0..0 |
| For two Perriagoes to secure the ballast for the service } of the severall parts of the Fortifications & Johnsons } Fort | 500..0..0 |

For the use of the Fortifications & the
severall Garrisons.

| | |
|--|-----------|
| 20 Reams of Cartridge paper £10 Ⓕ..... | 200..0..0 |
| 500 ^{lb} : of match..... | 75..0..0 |
| Sizable Copper ladles, Worms, Iron Ram'ers Linestocks } Boudge barrells, Powder horns Priming Irons hand- } spikes & ^{ca} : | 250..0..0 |

£12300..0..0

| | |
|---|------------|
| For erecting a Fort at Port Royall to be built in the } manner proposed for the new Battery..... | 1500..0..0 |
|---|------------|

13800..0..0

| | |
|----------------------------------|----------|
| A new carriage for the Bomb..... | 25..0..0 |
|----------------------------------|----------|

£13825..0..0

Allowance for an Engineer.....

On motion the Question was put whether proper application should be made to Capt^r: Massey desiring him to place such a number of the Kings Soldiers under his Com'and at Port Royall as he shall think proper towards the defence of that part of this Province.

Carryed in the affirmative

And then the following message was order'd to be sent to his Hon^r: the President

May it please y^r., Hon^{rs}:

As the Southward parts of this Province are very much exposed We are of opinion that it would be verry proper to apply to Cap^t: Massey to desire him to order such a number of the King's Soldiers under his Comand to Port Royall as he can conveniently Spare from the Garrison of Alatomaha who in case of a Warr may be a great defence to those parts & a protection to the Trade & Navigation that might there be carried on if proper measures were taken for the protection thereof.

Tho^s: Broughton Speaker

Sent up by Mr: Allen and Cap^t: Fitch.

The following message was sent to his Hon^r: the President

May it please y^r., Hon^r:

This house has read & taken under consideration the Report of the Com[']ittee on Indian affairs & have disagreed to that part of it that proposes an expedition against the Yamasses & their allies, & have directed our Com[']ittee to consider of what is proper to be sayd to the Lower Creeks who We soon expect in town, & desire that the Com[']ittee of his Majesties Hon^{ble}: Council may have that affair in charge & meet thereupon forthwith.

Tho^s: Broughton Speaker

Sent up by Mr: Rhett & Mr: St: Julien——

The house adjourn'd till to morrow morning nine of the Clock

Saturday the 21st day of January 1726.

The house mett according to adjournment

Mr: Sec^{ry}: Hart brought from his Hon^r: the Presid^t: the following message.

Mr: Speaker & Gentⁿ:

Coll^o: Chicken acquaints me that the head men of the Cheerokees are very uneasy to be gone out of Town & if it is your opinion they should; please to let me know it I can finish wth: them every thing that is still wanting at Coll^o: Chicken's house & make Report to you of the same.

21st Jan^{ry}: 1726.

Ar: Middleton

The following message was order'd to be sent to his Hon^r: the President

May it please your Hon^r:

In answer to your message just now rec'd this house is of opinion that it would be proper for your Hon^r: to acquaint the Cheerokees, that since they are so desirous to return home he consents to it & if they are willing they may go out of town this afternoon, That since the Lower Creeks are not come down, We have no good opinion of them & if the Creeks should yet come down & be desirous of a peace that you will acquaint the Cheerokees of it & endeavour to conclude a peace between them.

Tho^s: Broughton Speaker

Sent up by Mr: Allen & Coll^o: Palmer

Mr: St: Julien from the Com'ittee appointed to examine the Com'iss^{rs}: of the high roads of Charles Town made the following Report

The Com'ittee to enquire of the reasons why the Com'iss^{rs}: of the high Roads of St: Phillips Parish have not made the roads to the extent of the said Parish Report as follows——

That the Com'iss^{rs}: of the said Parish apprehend that they are not obliged to make the Roads further than the Quarter house the bounds of the Parish being unknown to them——

Your Com'ittee are of opinion that it is necessary that the Com'iss^{rs}: of St: Phillips St: Andrews & St: James Goose Creek do meet at some proper place & there agree to settle the bounds where each sett ought to some & that the Northward bounds of St: Phillips Parish be laid out & determin'd.

The house read & agreed to the above Report.

The house adjourn'd till munday four of the Clock in the afternoon

Munday afternoon the 23^d day of January 1726

A sufficient number of Members not appearing to proceed on business Mr: Samuel Eveleigh was chosen Chairman who adjourn'd the house till to morrow morning nine of the Clock

Tuesday the 24th day of January 1726.

The house mett according to adjournment And adjourn'd till two of the Clock in the afternoon.

The house mett according to adjournment

The Com'ittee on Indian Affairs went out

The house adjourn'd till to morrow morning nine of the Clock

Wednesday Morning the 25th day of Jan^{ry}: 1726.

The house mett according to adjournment

The severall Com'ittes attended the matters they had in charge

The house adjourn'd till two of the Clock in the afternoon.

The house mett according to adjournment

On motion the following message was sent to his Hon^r: the President

May it please your Hon^{rs}:

On Friday last We sent you a Report of a Com'ittee of both houses on the State of the Fortifications of this Province from the just apprehensions of a Warr with Spain as agreed upon in a general Conference of both houses on the sixth Instant, unanimously agreed to by our house, As that matter that was so justly and necessarily discuss'd in that Conference is of the utmost consequence to this Province so much that nothing essential can be brought to a Period in this house until your answer to the s^d: Report is sent us, We leave it to your consideration whether you ought to loose any time in sending it.

Tho^s: Broughton Speaker

Cap^t: Dry from the Com'ittee of Grievances laid before the house a bill for settling a Sallary of _____ on the Cheif Justice of the Province of S^o: Carolina w^{ch}: bill was order'd to be read & some progress being made therein the said bill was order'd to be Recom'itted.

Mr: Sec^{ry}: Hart Verbally acquainted this house from his Hon^r: the President, that he intended to send for the Creek Indians im'ediately & that the Com'ittee of this house might attend if they pleas'd

And the house taking the s^d: Verbal Report under consideration Mr: Allen a member of this house was directed to acquaint the President that the Com'ittee of this house on Indian affairs had not yet made their Report, And that therefore the house desir'd that his Hon^r: would be pleas'd to deferr sending the s^d: Indians a little while that the afores^d: Report may be received.

Capt: Tobias Fitch from the Com'ittee on Indian affairs made the following Report.

[A blank space was left for the report, but it was not entered.]
The foregoing Report & the message to his Majesties Council was sent up by Capt: Fitch & Mr: Ashby—

The house adjourn'd till to morrow morning nine of the Clock

Thursday morning the 26th Jan^{ry}: 1726.

The house mett according to adjournment

Order'd that Alex^r: Parris Esq^r: Treasurer do pay out of the Treasury of this Province unto Capt: Tobias Fitch towards the maintenance of the Creek Indians now in town the Sum' of One hundred pounds currant money & that this order be sent to his Hon^r: the President & his majesties Hon^{ble}: Council for their concurrence & that Mr: Speaker do sign the same

The above order was sent up by Capt: Bond.

Capt: Dry laid before the house proposalls for enlarging the Currency w^{ch}: were read & Com'itted to the following Com'ittee Viz^t: Mr: Eveleigh Capt: Bond Coll^o: Hall Coll^o: Herbert and Capt: Dry

And then the following message was sent to his Majesties Hon^{ble}: Council.—

Hon^{ble}: Gentⁿ:

A member of our house having laid before our house a Scheme for enlarging the Currency & for establishing a Fund to Support the Charges of this Governm^t: w^{ch}: is herewith sent up to you for your perusall, We desire that you will appoint a Com'ittee of his majesties Hon^{ble}: Council to join a Com'ittee of our house to take the s^d: Scheme under consideration.

Tho^s: Broughton Speaker

The above message & the foregoing Scheme was sent up by Capt: Dry & Mr: St: Julien—

The following message was order'd to be sent to his Majestie's Hon^{ble}: Council.

Hon^{ble}: Gentⁿ:

Your being as well convinced as We of the necessity of putting this Province in a posture of defence for the many reasons already given you in a grand conference of both houses & by severall messages from us, We never doubted of, but as it is

matter of great Surprise to us that you should refuse to consent to the reissuing the money in the Treasury for that purpose when no less than the Lives Fortunes of the Inhabitants of this Province at Stake in case of a Warr, You have been told severall times that with as good reason this money may be issued as the £2000 for rebuilding Fort King George, & your Hon^{rs}: have not thought fitt to offer any Arguments against it. You are perfectly sencible as well as We that from the Scarcity of the present Currency the Tax for the running Year (which will be very great) will with the utmost difficulty be Collected, & therefore your Hon^{rs}: must know that your proposalls for raising a Sum' in the Tax for repairing the fortifications is impracticable & that We can never consent to throw insupportable burthens upon the people of this Province, upon the whole We have used our utmost endeavours to serve the Province in this regard & if We should fall a Sacrifize to our Enemies meerly for the want of issuing a little money w^{ch}: would effectually fortifie us for the present, Our faults it will never be deem'd & We leave it to your selves & all mankind to Judge upon whom the blame must rest.

Tho^s: Broughton Speaker

Sent up by Mr: Rhett & Mr: Thomas Smith

The bill to preserve the Navigation & Fishery in the several Rivers & Creeks in this Province was read the third time & past wth: amendm^{ts}: The bill to revive & continue the several Laws therein mentioned was read the second time & past with amendments.——

The bill for the encouragem^t: of killing & destroying beasts of Prey was read a third time & past with Amendments.

Mr: Sec^{ry}: Hart brought from his Hon^r: the President the two following messages together with a memorial of Theophilis Bordier of the terms of the Swissers & the Petition of the Inhabitants of Stono

Mr: Speaker & Gentⁿ:

I sent you the engagem^t: upon Which the Swiss Passengers in Cap^t: Omer are come over; It is plain to me that they are come in quality of Serv^{ts}: to the Company & not upon the footing of our Law, but as they are come I leave it to you to Judge whether it is not reasonable to provide for them

26th Jan^{ry}: 1726.

Ar. Middleton

Mr: Speaker & Gentⁿ:

We send you down our Report relating to the repairing the Fortifications w^{ch}: We agree to excepting that part where you propose that the money lying in the Treasurer's hands to be burnt according to Law be applyed to that service w^{ch}: We can by no means agree to till We have his Majesties leave for so doing & in the mean time that the Fortifications may be repaired We are ready to concurr with you to raise such a Sum in the tax for the ensuing Year for this purpose as shall be necessary to put the same in a posture of defence. By order of the Council.

William Bull——

The petition of the Inhabitants residing on the S^o: side of the North Branch of Stono River was read and referr'd to the Com'ttee of petitions and accounts.

Order'd that Mr: St: Julien Mr: Rhett & Mr: Allen be a Com'ttee to enquire into the State of the Swissers who are lately come into this Province.

And then the following message was order'd to be sent to his Majesties Hon^{ble}: Council

May it please y^r., Hon^{rs}:

Our house having read the memorial of Theophile Bordier, We have appointed a Com'ttee of our house to join a Com'ttee of his Majesties Hon^{ble}: Council to take under consideration the affairs of the Swissers lately arrived into this Province, And We desire that such a Com'ttee of your house may be appointed for that purpose

Tho^s: Broughton.

Sent up by Mr: Ashby & Mr: Rhett.

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment

Mr: Sec^{ry}: Hart acquainting the house that when the house would be pleas'd to adjourn the President design'd to come over to treat wth: the Indians & then withdrew——

The house adjourn'd till to morrow morning nine of the Clock.

Friday morning the 28th day of January 1726

The house mett according to adjournment.

The bill to cut and clear Bigin Creek in St: John's Parish was read a first time & past with amendments & sent up to the

Council by Mr: Thomas Smith & Mr: Jas: Nicholas Mairant who allso carryed up

The bill for encouraging the destroying Beast of Prey

The bill to revive and continue several Laws &ca:

The bill to preserve Navigation and Fishery

Cap^t: Fitch a Member of this house was desired to bring in Action against Mr: Alexander Stewart for a horse belonging to Jn^o: moreton which the said Fitch impressed for the Publick service & the house Resolved to defray the charge of such Prosecution.——

Mr: Sec^{ry}: Hart brought from his Hon^r: the President the following message.

Mr: Speaker & Gentⁿ:

I think it my duty to put you in mind of the Tax bill that has lain so long before you, the proper time for payment of the Tax run's away very fast, it would be impossible to support the garrisons & Rangers without it.

Our affairs in England will allso be at a stand for want of it and every person in the Province to whom you are indebted will suffer very much, I hope you will Excuse me in this, for I Assure you I think it my Duty to lay it before you.

27th Jan^{ry}: 1726.

Ar. Middleton

On motion that the Report of the Com[']tee of Grievances be sent up to his Hon^r: the President, The following message was drawn to accompany the same

May it please y^r: Hon^r:

Herewith is sent to your Hon^r: the Report of a Com[']tee of this house w^{ch}: We have agreed to as it now stands & in one paragraph of which Report your Hon^r: will be pleas'd to Observe that it was the opinion of the house that a proper person skill'd in the Law who has resolution & Capacity enough to do Justice & keep due orders should be appointed to go the Circuit & Preside over each Court as they now stand with a Sallary of five hundred pounds Proclamation money ꝑ Annum, & as the house has given orders for bringing in a bill for establishing such an office, We desire that your Hon^r: will be pleas'd to appoint a Gentleman fittly qualified for the same that his name may be inserted in the s^d: bill.

Tho^s: Broughton Speaker

The above message & the Original Report of the Com'ittee of the Com'ittee of Grievances was sent up by Cap^t: Dry & Mr: Ashby

Mr: William Rhett from the Com'ittee appointed to consider of the affair of the Swiss made the following Report

The Com'ittee appointed upon the memorial of Theophilis Bordier lately arrived with sundry other Swiss people in this Province do Report.

That agreeable to the resolution of both houses the Swiss now arrived be Subsisted as is therein sett forth & that the intent of this resolution may have the desired Effect, The Com'ittee proposed that these people be sent at the Publick charge to the Palachucola Garrison & be there imployed in planting & furnished with proper Tools for that purpose & that the Cap^t: of the Garrison be order'd to assist them in such manner as shall be thought proper That in case the persons who are concern'd in sending these Swiss over intend to prosecute their design & Compleat the number they at first proposed to send, these now arrived will in the mean time make a progress in their designed Settlement on Savanno River and being thus assisted by the Publick will be a great encouragement to induce great numbers of the same people to come among us.

The Com'ittee recomend that some im'ediate measures be taken to subsist them, since they now live at the expence of the master of the Ship w^{ch}: brought them Over.

The above Report being read was taken under consideration & agreed to & sent up by Mr: Allen & Mr: Barton.

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment

Mr: Sec^{ry}: Hart brought from his Hon^r: the Presid^t: the follow^g: message

Mr: Speaker & Gentⁿ:

Your message just now to me in relation to the appointing a Gentⁿ: to go the Circuit & preside over the Courts as they now stand is of such a nature that I am allmost at a loss to Answer it, I doubt not but such a person as you desire may be found & to the sattisfaction of the whole Province, but if you intend by naming of him in the bill that he is not to be displaced by his Majesties Gov^r: or Comander in cheif for the

time being is what I cannot consent to it being his Majesties Royall Prerogative by his Gov^{rs}: in all his Plantations to place and displace all Judges and Justices in in their respective Governments Excepting such as have Com[']issions from his Majesty or the Admiralty board, Now Gentⁿ: for you to desire me to give up this known part of the Prerogative is what I cannot answer or if I did it wou^d be of no use for the Govern^{rs}: of this his Majesties Province would never be bound by it but with his Majesties particular directions & consent to it. I hope when you well consider this you will not insist upon what is directly contrary to the Royall prerogative & not in my power to grant.

I cannot help Gentⁿ: Recomending to you to provide a handsome Sallary for the King's Attorney Generall this I think is highly reasonable for as he is im[']ediately concern'd in all Publick prosecutions so he ought to be rewarded for the same.

27th Jan^y: 1726

Ar. Middleton

In answer to the above message the following answer was order'd to be sent

May it please y^r: Hon^r:

In answer to your Hon^{rs}: message just now received by Mr: Sec^y: Hart, We take leave to inform you that by an Act of the Generall Assembly of this Province intituled An Act for appointing a Publick Treasurer & other Publick Officers it is amongst other things Enacted that the power Right & authority of nominateing & appointing all Civil Officers w^{ch}: do or hereafter may receive a settled Sallary out of the Publick Treasury shall allways be & remain in the disposall of the Generall Assembly of this Province for the time being who shall likewise by an Ordinance of both houses put out & put in place from time to time all such Officers according to their discretion & that such Officers shall be accountable to either house of Assembly, from whence We conclude that this house has a joint right with your Hon^r: & his Majesties Hon^{ble}: Council in appointing the circular Judge proposed since he is to receive a Sallary from the Publick Treasury & as the s^d: Act is so express, We hope your Hon^r: will be of Opinion that the same should be inviolably observed.

Tho^s: Broughton, Speaker

Sent up by Mr: Smith & Cap^t: Saunders.

Mr: Sec^{ry}: Hart brought down from his Hon^r: the Presid^t: the memorial of Cap^t: Edward Massey w^{ch}: was read & referr'd to the Committee of Petitions.

The memorial of Allex^r: Trench was read & order'd to lye on the table.

May it please your Hon^r:

The Cheerokee Indians now in town having made a demand of a Cheerokee boy & Girl the one in the possession of one M^c:Nobney & the boy in the possession of M^{rs}: Bohannon, This have have appointed a Com[']tee to treat wth: those people concerning the s^d: Indians, M^c:Nobney absolutely refus'd on any account to part with the Girl & the Woman insists upon an hundred & Seventy pounds for the boy, the first of w^{ch}: We look upon as the hight of Arrogance & the latter a gross imposition on the Publick We therefore desire your Hon^r: will be pleas'd to issue your Warrant to take into Custody the s^d: boy & Girl & that proper persons be afterwards appointed to Value them.

We desire that your Hon^r: will also be pleas'd to Issue your Proclamation strictly prohibiting the buying of any Creeks or Cheerokees or any other Indians in Amity with this Government

Tho^s: Broughton Speaker

The above message was deliver'd to Mr: Thomas Smith to give to his Hon^r: the President after the adjournment of the house The house adjourn'd till to morrow morning nine of the Clock

Saturday morning the 28th day of Jan^{ry}: 1726.

The house mett according to adjournment

Mr: Sec^{ry}: Hart brought from his Hon^r: the Presid^t: the follow^g: message

Mr: Speaker and Gent^o:

Herewith I send you a copy of the paragraph in An Act made in the 27th Year of King Henry the eighth wherein you will find it declared that no person but his Majesty can make Judges Justices &^{ca}: & this was the Kings Prerogative by the Com'on Law before the making of that Statute thô now more fully declared by it, As to the Act of this Country mention'd in your message relating to the appointing a Publick Treasurer

& other Subordinate Officers of this Governmt: to whom you pay a Sallary I agree with you but it is impossible this can effect or be construed to extend to any Chief Justice Judge or Judges, I hope therefore you'll no longer insist upon what I cannot comply with.

28th Jan^{ry}: 1726.

Ar: Middleton

The house adjourn'd till tuesday the 31st of this instant January nine of the Clock in the morning.

Tuesday the 31st day of January 1726.

The house mett according to adjournment

And adjourn'd till to morrow morning nine of the Clock

Wednesday morning the 1st day of February 1726.

The house mett according to adjournment

And adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment

The house taking under consideration his Hon^r: the Presid^{ts}: message of Saturday morning

On motion the Question was put whether an Answer should now be drawn to the aforesaid message.

Carryed in the affirmative

And the following Gentⁿ: were appointed a Com[']ittee to draw such an answer, M^r: Whitaker M^r: Rhett & M^r: Allen

M^r: Sec^{ry}: Hart brought down from his Hon^r: the Presid^t: the following bills.——

A bill to preserve the Navigation & Fishery in the several Rivers & Creeks in this Province past in Council the third time
A bill for the encouragem^t: of killing & destroying beasts of Prey read in Council the third time & past

A bill to Revive & Continue the several Laws therein mention'd read in Council the second time & past with amendments

A Bill to Cut & clear Biggin Creek in St^t: John's Parish read in Council the first time & past with amendments.

Geo: Smith Esq^r: from the Com[']ittee of Grievances laid before the house the following bills w^{ch}: were read a first time & past wth: amendm^{ts}:

A bill to prohibit the keepers of Taverns & Punch houses trusting loose, Idle, & Vagabond persons.

A Bill for the better securing this Province from Negro insurrections & encouraging of poor people by employing them in Planta'ons

A Bill to encourage the return of persons who have left this settlement: on account of debt.

The bill to revive and Continue the several Laws therein mention'd was read a third time in this house & past with amendm^{ts}: The four above bills were sent up by Mr: Tho^s: Smith & Captain Heyward.

Mr: Sect^y: Hart brought from his Majesties Hon^{ble}: Council the following message.

Mr: Speaker & Gentⁿ:

We have now before us for our second reading the additional bill to the Act to Ascertain the manner & form of Electing members to represent the Inhabitants of this Province in the Com'ons house of Assembly & to appoint who shall be deem'd & adjudged Capeable of choosing or being chosen members of the said house, upon our first reading We penned a Saving clause thereto that the s^d: Act should not be in force till his Majesties pleasure be known & signified thereon which clause being missing We desire to know what is become of it before We give the s^d: bill a second reading.

1st Febr^y: 1726.

Ra. Izard

To which the following answer was sent

Hon^{ble}: Gentⁿ:

This house reading & taking under consideration your message just now rec'd, We inform you that the suspending clause which you added to the additionall bill to the Election Act was disagreed to by this house & that the s^d: Clause was by mistake not sent up & is since mislaid.

Tho^s: Broughton Speaker

Mr: Whitaker Reported the following message to his Hon^r: the President which was read & agreed to & order'd to be ingrosed.

May it please y^r: Hon^r:

This house agree with you that the power of appointing Judges & Justices is a Prerogative appertaining to the Imperial Crown of Great Britain by the Com'on Law of w^{ch}: the Act of Parlia-

ment mention'd in your message is declaratory, but We are of opinion that the ^{s^d}: Act Provides that this power shall not be communicated or devolved on any person or persons of what Estate degree or Condition soever they be, & therefore cannot be construed to extend to his Majesties Plantations in America which at the time of making this Act were not part of the Dominions of the Kings of England. His Majesties Govern^r: pursuant to the power Granted him by his Letters Patents thô fitt to pass a Law that all civil Officers who receive a Sallary from the Publick shall be nominated by the Generall Assembly, & certainly your Hon^r: cannot doubt whether a Judge is within that discription——

Tho^s: Broughton Speaker

Sent up by Mr: Rhett & Cap^t: Saunders.

The house adjourn'd till tomorrow morning nine of the Clock

Thursday the 2^d day of February 1726.

The house mett according to adjournment

The bill to Cut & clear Bigin Creek in St: John's Parish was read a second time & past with amendments & sent up by Mr: St: Julien & Mr: Thomas Smith.

Mr: Sec^{ry}: Hart brought from his Hon^r: the Presid^t: the following message.

Mr: Speaker & Gentⁿ:

I am sorry to find by your message to me of last night that you still insist on the Act of Assembly in this Province by w^{ch}: you have a joint power of appointing such Officers as receive a Sallary from the Publick w^{ch}: can be construed to no others than such as are mentioned in the Law & this I assure you is agreeable to the known construction of Law; You acknowledge that the Com'on Law, (of w^{ch}: the Statute of Henry the eighth is declaratory) gives his Majesty the Sole Right of appointing Judges & Justices & since that is acknowledged (w^{ch}: I think ought never to have come in dispute, I would willingly know how long since or by what means his Majesty has lost that known inherent right over his Subjects in these parts of the world; Is it by distance of place or for want of Dominion in these parts at the passing the said Statute; the first can¹ be it; because no distance can alter in point of Right,

¹ The word not was evidently omitted.

neither can it be the latter because all Statutes are made to look forward & to declare what is a Right & what not, in a thousand instances before any thing therein provided for can happen, so that notwithstanding his Majesty had no dominion in America at the time of passing that Statute, Yet it hath & will comprehend all such Dominion as his Majesty has since gained & all such as he shall hereafter come to the possession of. This right is originally in the King's person & the Statute has only declared it not made it so.

You seem Gentⁿ: to make an exception to the afores^d: Statute for want of Dominion in these parts at the time of its' passing but you will allow that the Com'on Law is in force in this Province & in all his Majesties Dominions in America & by it your pretence must fall to the ground by your own way of reasoning

Now Gentⁿ: I must give you this for my last answer w^{ch}: is that it is the Prerogative of the Crown & cannot be parted with but by his Majesties consent & Order, so I neither can nor will consent to what you desire.

2^d: Feb^{ry}: 1726.

Ar. Middleton

Mr: Sec^{ry}: Hart brought from the Hon^{ble}: Council the following message & the bill to revive and continue the severall Laws therein mentioned read in Council the third time & past with amendments.

Mr: Speaker & Gentⁿ:

We have now before us two bills sent up Yesterday for our first reading Viz^t: the bill for the better securing this Province from Negro insurrections & for encourageing of poor people by employing them in the Plantations. & the bill to encourage the return of persons who have left this Settlement on account of debt, in order to shorten the time in passing the s^d: bills, We propose that a Com^{it}tee be appointed by your house to meet a Com^{it}tee of this house to conferr upon the Subject matter of them.

2^d: Feb^{ry}: 1726.

Ra. Izard.

And the following Gentⁿ: were appointed a Com^{it}tee to meet the Com^{it}tee of Council accordingly, Viz^t: Cap^t: Dry Mr: George Smith & Mr: William Cattle.

Mr: William Rhett from the Com^{it}tee on the petition of John Leay & Samuel Crawford made the following Report.

The Com'ttee appointed to consider the petition of Sam^l: Crawford & John Leay Carpenters Do Report.

That they have examin'd them on the Subject matter of the s^d: Petition & find that the allegations there set forth are true

The Com'ttee by the information of severall able workmen & according to the calculation made are of opinion that the workmans^p: of the Carpenters & Joyners to the s^d: Armoury will amount to upwards of £1000 & that the materials allready supplied for the said building & which still is necessary to Compleat the same amount to £900 & upwards.

That as the Contract between the Com'iss^{rs}: & these Workmen is fixed to the Sum' of £1200 for the timber boards & workmanship The Com'ttee are of opinion that the Com'iss^{rs}: be directed to allow to the s^d: Crawford & Leay the Sum' of £800 more to compleat their part of work and materialls & that it be left discretionary to the Com'iss^{rs}: to pay the same in such manner as they shall think proper.

Febr^y: the 2^d. 1726.

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment

Mr: Sec^{ry}: Hart brought from his Hon^r: the President the bill to Cutt & Clear Bigin Creek in St: John's Parish read in Council the second time & past with amendments & the Petition of St: John's Parish. He allso brought down the petition of the Inhabitants of the West Side of Pon Pon River.

The Com'ttees attended the matters they had in Charge

The house adjourn'd till to morrow morning nine of the Clock

Friday morning the 3^d day of February 1726.

The house mett according to adjournment

The house read & took under consideration the Report of the Com'ttee appointed to consider the petition of Samuell Crawford & Jn^o: Leay & the same was agreed to——

Mr: Sec^{ry}: Hart brought from his Majestie's Council the bill for the better securing this Province from Negro insurrections &^{ca}: which was read the second time & past with amendments—

The Sec^{ry}: brought down the bill to encourage the return of the persons who have left this Settlement on account of debt—

Mr: Sec^{ry}: Hart brought from his Majesties Council the following message.

Mr: Speaker & Gentⁿ:

In answer to your message to us on the 20th of January last, We are of opinion that it is not in Captain Massey's power to remove the Soldiers under his Com'and from the Garrison at Alatomahaw to Port Royall without his Majesties special order for the same, therefore to request this from Cap^t: Massey will be to no purpose

2^d. Febr^y: 1726.

Ra: Izard

Mr: Sec^{ry}: Hart brought from his Hon^r: the President the Warrant for appraising the Cheerokee boy and Girl & informed the house that his Hon^r: desir'd the house to draw orders for the payment to the Proprietors of them

Mr: Sec^{ry}: Hart acquainted the house that he desir'd that this house would appoint a Com'ittee to meet a Com'ittee of his Majesties Council this afternoon to take under consideration the affair of the Swiss.

The house taking under Consideration the message from the Council of this morning relating to Cap^t: Massey the following Question was put

If a message should be sent up to the Council desiring that a Com'ittee of his Majesties Hon^{ble}: Council might be appointed to meet a Com'ittee of this house to consider of the State of the Garrison at Alatomahaw & of making it more serviceable to this Province.

Carried in the Negative

The house adjourned till two of the Clock in the afternoon

The house mett according to adjournment

Mr: Allen & Mr: St: Julien were directed to go up to his Majesties Hon^{ble}: Council to Ask the Council if they had agreed to the Report sent up from this house relating to the Swiss; They were allso order'd to carry up to the Council the bill for the better securing this Province from Negro Insurrections read in this house a second time & past & the Report upon the petition of Samuel Crawford and John Leay——

The memorial of Alex^r: Stewart was read & referr'd to the Com'ittee of Petitions——

The Petition of Pon Pon was read & leave given to bring in a bill according to the prayer of the s^d: Petition——

The petition of the Com^{iss}^{rs}: of the high Roads in Prince George's Parish heretofore Com^{itted} to the Com^{ittee} of petitions was now again taken under Consideration in the house & leave given to the petitioners to bring in a bill according to the prayer of the said Petition——

Mr: Hume from the Com^{ittee} appointed to inspect the Armoury made their Report which Report was read & recom^{itted}——
The petition of Liev^t: Watt was read and order'd to lye upon the table——

The humble petition of severall newcomers & subscribers thereto was read and the Subject matter & merit of the s^d: Petition was referr'd to the Com^{iss}^{rs}: appointed to put in force An Act of the Generall Assembly of this Province to encourage persons to become settlers in the Province of South Carolina——

The bill to encourage the return of persons who have left this settlement on account of debt was read the second time & past with amendments.

Mr: Sec^{ry}: Hart brought from his Majesties Hon^{ble}: Council the following message

Mr: Speaker & Gentⁿ:

We cannot agree to your Report for the Country to take upon them to send the Swissers to the Pallachucola Garrison since there is one of the Gentⁿ: concern'd in the Company now in the Province with them, least it may give grounds to the persons concern'd in the Company to expect the Country will pay for their passages; We readily agree with you to subsist them at the Palachucolas or any where else near the Savanno River, that the Gentleman here present shall think convenient, that he may (with the more ease) keep them together in a body till he can hear from Europe; This is the subject matter of the conference We desire on the affair of the Swiss & are ready to meet them thereon directly——

3^d Febr^y: 1726.

Ra. Izard

The Com^{ittee} of this house formerly appointed to consider of the affairs of the Swiss went out to meet the Com^{ittee} of his Majesties Hon^{ble}: Council on the subject matter of the above message.——

The petition of part of the Inhabitants belonging to the road leading from Wallis's bridge upon Pon Pon ferry was read & referr'd to the Com^{ittee} of Petitions——

On motion the Com'ittee of Grievances was directed to bring in a bill for appointing a Circular Judge without a Sallary & to hold the said Office on the incouragem^t: of the ffees.

The house adjourn'd till to morrow morning nine of the Clock

Saturday the 4th day of February 1726.

The house mett according to adjournment

The following Gentⁿ: were appointed a Com'ittee to examine into Mr: Eveleigh's Allegations of Cap^t: Fitch's trading with the Creek Indians during his Agency & Order'd that they have power to send for persons papers & Records. Viz^t: Coll^o: Hall Cap^t: Bond Cap^t: Dry Coll^o: Herbert & Mr: Thomas Smith. Resolv'd that on tuesday next the house will take under consideration the Estimate for the Currant Year & that the following Gentⁿ: be a Com'ittee to settle the same Cap^t: Dry, Mr: Rhett & Mr: Izard And then the following message was order'd to be sent to his Majests Hon^{ble}: Council.

Hon^{ble}: Gentⁿ:

We have appointed a Com'ittee to take under consideration the Estimate of the Current Year & desire that you will appoint a Comittee of his Majesties Hon^{ble}: Council to join our Com'ittee on that affair on tuesday the seventh Instant

Tho^s: Broughton Speaker

The above message was sent up by Mr: Allen & Mr: Tho^s: Smith

The house adjourn'd till monday the 6th Instant four of the Clock in the afternoon.

Munday the 6th day of February 1726.

A sufficient number of members not meeting to transact business Coll^o: John Fenwick was chosen Chairman who adjourn'd the house till to morrow morning nine of the Clock

Tuesday morning the 7th day of Feb^{ry}: 1726

The house mett according to adjournment And Adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment.

The bill for cutting & clearing Biggin Creek in St: John's Parish was read the third time & past with amendments

The bill to prevent Contentious & Vexatious prosecutions was read the first time & past with amendments

Mr: Sec^{ry}: Hart brought from his Hon^r: the Presid^t: the following message

Mr: Speaker & Gentⁿ:

In answer to your message on Saturday last I have appointed the Hon^{ble}: Ralph Izard & Coll^o: Bull Esq^{rs}: to be a Com[']ittee of this house to meet your Com[']ittee on the Estimate this day according to your desire

7th: Feb^{ry}: 1726

Ar. Middleton

Order'd that Coll^o: Fenwick & Cap^t: Buttler be added to the Com[']ittee on the Estimate

Order'd that Mr: Allen & Mr: Roger Moore be added to the Com[']ittee of petitions

The Com[']ittees attended the matters they had in Charge

The house adjourn'd till to morrow morning nine of the Clock

Wednesday the 8th day of February 1726.

The house mett according to adjournment

Order'd that all the Absent members be forthwith Sum[']oned to attend the Service of the house

The bill to Prohibit the keepers of Taverns & Punch houses giving large Credit was read the second time and past with amendments.

The Question was put whether a bill should be brought in with a saving Clause to preserve the Currency.

Carried in the Negative

On motion of Mr: William Rhett order'd that a bill be brought in to encourage the Circulation of Gold & Silver in this Prov-
ince——

Order'd that Mr: St: Julien be added to the Com[']ittee on Mr: Eveleigh's complaint against Cap^t: Fitch.

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment

Maj^r: Hepworth from the Com[']ittee on Petitions & acc^{ts}: made their Report & deliver'd it in at the table.

Mr: Eleazer Allen formerly added to the Com[']ittee on Petitions and accounts made a second Report from the s^d: Com[']ittee & the s^d: Report being read.

Resolved that this house will take the same under consideration to morrow morning——

The severall Com[']itees were order'd to attend the matters they had in charge.

Mr: Hume from the Com[']ittee appointed to view the Armoury made the following Report

The Report of the Com[']ittee appointed to View the Armoury Report as follows.

In the Armoury

760 small Arms in good order

36 D^o: out of order

200 Pistolls in good order

39 D^o: out of Order

888 Cartouch boxes some Rat eaten & without Covers.

15 with Cartridges in them

67 Bayonets most out of order

2 Musquetoons out of Repair w^{ch}: came from Port Royall

| | |
|-----------------|-----------------|
| 2 Blunderbusses | } In good order |
| 2 Harquebusses | |

33 heads of Launces

5 bundles of match

14 Quire of Cartridge paper

10 Lanthorns

Deliver'd out by Cap^t: Lloyd since the last Report of the Com[']ittee to Coll^o: Alex^r: Parris

1 Pair bullet moulds.——

| | |
|-------------|--------------------------------|
| 15 Musketts | } for the use of the Ittewans. |
| 15 Pistols | |

To Cap^t: Watt for Alatomahaw Garrison

60 Musketts

60 Bayonets

60 Cartridge boxes

1 p^r: of bullet moulds

500 Flints

To Coll^o: Arthur Hall

16 pistolls for the use of the wood Rangers

To Coll^o: Palmer for the use of the Scout Boats

14 Musketts

14 Cartouch boxes

2 Blunderbusses

3 Dozⁿ: Flints

There is allso in the Armoury 1 large claw hammer some Ropes & blocks for the Gun' Carriages.

Sundry small Arms & Pistolls w^{ch}: your Com[']tee are of opinion ought to be surveyed by a Gun' Smith & what can't be made fitt for Service be disposed off at Vendieu & the rest repaired containing in the whole 151 small Arms 51 Pistolls. The Mississippi company Colours

There is wanting Flints

Capt^t: Lloyd informs the Com[']tee that he wants bulletts to fitt Cartridges for the boxes & never was supplied by the Publick since he had the Comission & that Coll^o: Parris has gott his bullett moulds in order to cast some but he never had any Yett

The Com[']tee have compared this with the former Report & find in the Armoury two small Arms more than mentioned before w^{ch}: were taken out of a parcell of Small Arms sent down from Port Royall

There is Short Seven pistolls w^{ch}: M^r: Lloy'd informs the Com[']tee are on the Forge in order to be repaired——

There is three Bayonetts less than mention'd in the former Report w^{ch}: whether it arrises thrô a mistake of the former state We know not.

The above Report being read & taken under consideration the house agreed to the same.

Order'd that Capt^t: Dry do Collect from the Ittewan Indians all the Publick Arms in their Custody in order to be deliver'd into the Armoury.

Order'd that Alex^r: Parris Esq^r: do deliver over to Capt^t: Tho^s: Lloyd the lead he was formerly order'd to purchase & the bullett moulds in order to be cast into bullets for the use of the Publick Arms——

Order'd that Cap^t: Lloyd do appoint a Gun' Smith to Survey the Arms that the Com[']ittee Report to be out of Repair and that such Gun' Smith Report to this house how many of the said Arms may be made fitt for use & the charge of repairing them.

The house adjourn'd till to morrow morning nine of the Clock

Thursday the 9th day of Feb^{ry}: 1726.

The house mett according to adjournment

The house read & took under consideration the severall Reports of the Com[']ittee of Petitions & accounts & having gone thrô the same Order'd that they be sent up to the Council for their Concurrence

The house reading & taking under consideration the memorial of Cap^t: Edward Massey praying an allowance for fire & Candles &^{ca}: for his Majesties Independent Company at Alatomahaw & it appearing to the house that the s^d: Garrison was scituated in a country where there is plenty of firewood & Lightwood for Candles.

The Question was put whether any thing shall be allowed out of the Publick Treasury of this Province for fire & Candles to the Garrison at Alatomahaw

Carried in the Negative

Order'd that Alex^r: Parris Esq^r: Treasurer do pay out of the Publick Treasury of this Province unto M^r: Eleazer Wiggin for serving as Interpreter to the Cheerokee Indians in the nation & in the Settlements in full to this day the sum' of three hundred pounds & that this order be sent to his Hon^r: the President & his Majesties Hon^{ble}: Council for their concurrence & that M^r: Speaker do sign the same.

Several accounts of Cap^t: Fitch for money due to him on his own account & for entertaining Indians & other acc^{ts}: for Indian affairs were referr'd to the Com[']ittee of accounts

M^r: William Rhett from the Com[']ittee on the proceedings and accounts of the Com[']iss^{rs}: for stamping the new bills made the following Report & deliver'd the same in at the table.

The Com'ttee appointed to examine into the proceedings & accounts of the Com'iss^{rs}: for printing & stamping the new bills Report as follows.

That by the Law for printing the new bills the Com'ttee observe that the Com'iss^{rs}: therein appointed Viz^t: Tho^s: Hepworth & William Dry Esq^{rs}: & M^r: Henry Houser are directed.

To print the Sum' of £120,000 in paper bills of several Species the highest to be £20 & the lowest 5 Shill^{gs}:

And the better to prevent their being counterfeited the bills so printed & Stamp^t to be indented & a book of the counterparts to be kept & each part to be numbered & the s^d: book to be deliver'd to the Publick Treasurer for the perusal of all persons

No more bills to be printed than as is before directed

The Com'iss^{rs}: & Joseph Massey seperately to give a bond of £5000 each to his Majesty & to take an Oath ten days after passing the act for the faithfull discharge of their duty——

The Com'iss^{rs}: to be allowed £500 each & Jos: Massey £1500——

The Com'ttee throughout their enquiry have mett with no small difficulty to bring the truth of this proceeding before this Hon^{ble}: house since they have not been able to Obtain any clear information from any one of the Com'iss^{rs}: relating to any part of their managem^t: M^r: Dry one of the Com'iss^{rs}: absolutely refused either to attend or render any account to your Com'ttee giving for answer that he had not concern'd himselfe in that business for these three Years but how farr this is to be relyed on is submitted to the consideration of this Hon^{ble}: house when the papers N^o. 1. 2. 3. 4. 5. annexed to this Report shall be read Thomas Hepworth Esq^r: another of the Com'iss^{rs}: has often been with the Com'ttee & promised from time to time to give them a State of the whole affair but has never done it, So that this Report is ground^d & collect^d cheifly from the books & papers deliver'd your Com'ttee by M^r: Houser's Executor pursuant to an order of this house all w^{ch}: accompany this Report And your Com'ttee was not a little surprized to find among them two books w^{ch}: were exactly kept by the Com'iss^{rs}: one called the daily acc^t: of what bills were stamp^t under the care of Tho^s: Hepworth. William Dry & Henry Houser Comiss^{rs}: 1723. The other called the Com'iss^{rs}: book of exchanging New bills for old 1723.

From the first book your Com'ttee have made a State of the whole number & Specie of bills printed by the Com'iss^{rs}: Viz^t:

That the Com^{iss}^{rs}: began to print of their first plate
 consisting of £20 £15 £12 & £8 bills on munday }
 March 25, 1723 and finished the same on Thursday } 55,000,,0,,0
 the 4th April being in all 1000 Impressions----- }
 And on Tuesday April 9th began on the plate }
 consist^g: of £6 £4 £2 & £1 bills & finished the same on }
 friday the 12th about 4 a Clock in the afternoon } 26000,,0,,0
 in all 2000 impressions amounting to----- }
 And on Wednesday the 24th of April at 8 in the }
 morning began on the plate consisting of 10^s. 7^s. 6^d. }
 5^s & 6^s 3^d bills & finished the same the 16th day of } 41688,,18,,9
 July following in all 29001 impress^{ns}: amounting to } -----

So that the whole Sum^r printed by the Com^{iss}^{rs}: is... £122688,,18,,9
 From the other book your Com^{it}^{tee} find that there has been
 exchanged in new bills for old the Sum^r of £66,482,,10,,10 w^{ch}:
 have been burnt by a Com^{it}^{tee} of both houses & that the Sum^r
 of £9942 more have been also exchanged for old bills w^{ch}: are
 now in the Com^{iss}^{rs}: Chest whereby it appears that the whole
 Sum^r issued in new for old bills amounts to £76,424,,10,,10.
 That there also remains in the Com^{iss}^{rs}: Chest the sum of
 £1855.3.9 in new bills of which there is onely £166.17.6 signed
 by three Com^{iss}^{rs}: & fitt to issue, the others amounting to
 £1688.6.3 are some of them signed onely by two or one Com^{iss}^r:
 differently & others not signed at all or after being sign^d dash^d
 with a pen or defaced in printing of which bills the Com^{it}^{tee}
 have herewith deliver^d a Specimen of each-----

Among the papers rec^d from Mr: Houser's Executor there are
 severall different States made by Mr: Houser & the Com^{ss}^{rs}: of
 the disposition of these bills but the Com^{it}^{tee} have taken notice
 of none but such as agree with the Com^{iss}^{rs}: books & with the
 account w^{ch}: said Houser intended to lay before the Com^{it}^{tee}
 Your Com^{it}^{tee} therefore find as £ the acct: (hereto annexed
 N^o. 6) & which they have stated from the strictest examination
 & enquiry that the Com^{iss}^{rs}: are in debt to the Publick upon the
 ballance in the Sum^r of £4409,,4.2-----

The Com^{it}^{tee} take leave further to observe to this Hon^{ble}: house
 that the Com^{iss}^{rs}: to give themselves as little trouble as they
 could have at several times put considerable Sums of new bills
 into Coll^o: Parris's hands to exchange for old bills & whether by
 mistake or otherwise the s^d: Com^{iss}^{rs}: & Coll^o: Parris have
 varied in their accounts of the repayment of them in so much

that by the Com^{iss}^{rs}: acc^t: Coll^o: Parris stands chargeable to them in the Sum^o of £1833.7.6. but according to Parris's account (annexed hereto N^o: 7) he acknowledges to be in their debt onely £311.15.0 & w^{ch}: acc^t: the Com^{it}^{tee} are of opinion is supported with sufficient Receipts and Vouchers w^{ch}: the said Parris has shewn them

Your Com^{it}^{tee} have no way taken notice of this dispute between the Com^{iss}^{rs}: & Coll^o: Parris in the account stated by the Com^{it}^{tee} since they find the Com^{iss}^{rs}: were no way authorized to employ any person in the exchange of the bills & therefore your Com^{it}^{tee} are of opinion the s^d: Com^{iss}^{rs}: ought forthwith to make good to the Publick the ballance due from them as is before mention'd.

Upon the whole the Com^{it}^{tee} humbly Submitt to this hon^{ble}: house the following Considerations.

That the Law from whence these Com^{iss}^{rs}: derive their authority enjoins that they shall print £120,000 & expressly prohibits the printing any more but the Com^{iss}^{rs}: (contrary to this Plain Prohibition) have printed £2688,,18,,9 more than they ought.

The Com^{iss}^{rs}: Suggest that they have burnt severall of the impressions w^{ch}. they printed but have kept no account either of the Quantity or Species nor have they produced a Voucher of any kind w^{ch}: can warrant such proceedings & that they are incapable so to do appears by two differing accounts stated by Mr: Houser wherein he makes the bills pretended to be burnt only serve to make up a ballance for the dificiency

If the Com^{iss}^{rs}: are justifiable in this matter it was in their power to issue out an indefinite number of bills & t^{would} be impossible to discover how much they exceeded the Quantity establish'd by Law

The Act further ordains that the bills shall be indented & Counterparts shall be kept in a book to be lodged with the Treasu^r: this is to prevent Counterfeits that every person may have Access to this book to compare the Indent of a suspected bill with the Counterpart but the Com^{iss}^{rs}: have dispenced with this part of the Law & saved themselves so much trouble for no such book has ever been provided & any person may Counterfeit & be in very little danger of being detected

It is presumed that the Generall Assembly when they appointed three Com^{iss}^{rs}: thought it too great a trust to be reposed in

one man and constituted that number that they might be a Check to each other how well the intentions of the Legislature have been answer'd this house will perceive when they are informed that the Com'iss^{rs}: had severally Access to the Chest in which the money was kept without the knowledge of the other & had seperately the Public money in their power, an instance of w^{ch}: is produced to this house where Mr: Dry took out of the Chest £100 & converted it to his own use without the previous knowledge of the other Com'issioners w^{ch}: as he had received no old bills in the room of them they were no more a part of the Currency than so many Counterfeit bills would have been & of how dangerous & pernicious extent, this practice may have been & how great a cause of the dificiency that appears is humbly submitted to the Consideration of this honourable house.

Febr^y: the 9th. 1726.

William Rhett
Benj^a., Whitaker
Tho^s: Barton

N^o: 1

Alex^r: Parris Esq^r: Publick Receiv^r: maketh oth that some in November last Mr: Henry Houser dec'd came to the Depon^{ts}: house & desired the deponent to receive of him One hundred p^{ds}: but the deponent told him that he had no occasion for the money but the s^d: Houser pressed the Deponent to receive the aforesaid Sum' & told him that he only desired he would give him a receipt for so much money for that it was money that had been in the Chest & was to be accounted for, by w^{ch}: the Depon^t: understood the Chest belonging to the Com'iss^{rs}: for printing the bills whereof the said Houser was one, And the Deponent further saith that the bills of w^{ch}: the aforesaid one hundred p^{ds}: consisted were large bills & had been passed about & the Depon^t: allso saith that the said Com'iss^{rs}: nor either of them ever offer'd him any money voluntarily before the time above mention'd

Sworn before me
7th Febr^y: 1726

Alex^r: Parris

Benj^a: Whitaker

Robert Hume of Charles Town Gentⁿ: maked Oath that severall times during the last Summer M^r: Henry Houser since deceas'd one of the Com[']iss^{rs}: for Stamping bills &^{ca}: came to this Deponent as he was walking upon the bay & amongst other discourse that then passed the said M^r: Houser told this Depon^t: that he was very uneasy the Assembly had not settled the s^d: Com[']iss^{rs}: accounts relating to the bills & desired this Deponent to move it in the Com[']ons house of Assembly & as a reason of his being uneasy he told this deponent that during his absence in New England Cap^t: William Dry had taken out of the Publick Chest One hundred pounds of the bills without first acquainting Maj^r: Hepworth the other Com[']iss^r: therewith & what was worst of all the s^d: M^r: Houser told this deponent that the s^d: Cap^t: Dry conceal'd the same severall months before he told it, & for that reason he say'd he was afraid of misapplication of the Publick moneys in his absence w^{ch}: he desir'd might be enquired into as soon as possible to avoid being liable to the same censure & this deponent further saith that the latter end of October & the beginning of November last the said M^r: Houser often repeated his instances & desire to this Deponent that the said accounts might be settled, & this deponent further saith that about the middle of November the said M^r: Houser desired this deponent to go with him to M^r: Poinsetts which he did where he desired this deponents advice about the man[']er of Receiving the money the said Cap^t: Dry took out of the Chest for that what he the said Dry had taken out of the Chest was no part of the Currency, to w^{ch}: the said Deponent answer'd he knew of no way but M^r: Dry's procuring either new bills of the Old Currency or bills of the New Currency not Sullied & clean that it might not appear they were ever out of the Chest & then the said M^r: Houser say'd he beleive'd twou'd be impossible to procure bills of the old Currency & very difficult of the new such as this deponent discribed & the s^d: M^r: Houser further told this deponent that he expected M^r: Dry would bring him the money in a few days & if he did not produce such bills as before discribed he should whenever a Com[']ittee of the Assembly was appointed to examine their accounts acquaint them with the whole truth of the matter & this deponent further said that in a few days after the said M^r: Houser came to this Deponent's house

with a small bundle in his hand & told this Deponent that Captain Dry had been with him & told him that he heard his taking the money out of the Chest had got Air & that some people intended to make use of it as an handle against him in the Assembly & at the same time gave him the hundred p^{ds}: & the s^d: Houser shewd this Deponent the bundle in his hand saying here it is, I have just now rec'd it & the s^d: Mr: Houser then desired this deponent not to make use of his name to w^{ch}: this deponent replied there was a Com'ittee appointed to settle their accounts & it would certainly come out when they mett with large bills of the new Currency that had been worn, among the others in the Chest for every body knew all the large bills had been issued long agoe, & none could be there regularly at this time a day, And this deponent further saith that he had inform'd the Assembly before Mr: Houser's decease of this matter & had actually drawn the same up in writing but stopt upon expectation of Mr: Houser's declaring the matter himselfe to the Com'ittee & this depon^t: did not care to lay it before the house after his decease for want of other proof & least he should have been thought prejudiced in making use of the hearsay of a dec'd person but this deponent having had it from the other Com'ission^r: Maj^r: Hepworth's own mouth that the s^d: Capt: Dry owned to him the taking of one hundred pounds out of the Chest, And being also inform'd that the said Houser say'd the same things a little before his decease to the Hon^{ble}: Benjamin De La Conseillere Esq^r: one of the Members of his Majesties Council & that Coll^o: Parris rec'd of the s^d: Mr: Houser One hundred pounds in large bills of the old Currency much about the time the said Mr: Houser had been at this depon^{ts}: house And the s^d: Deponent further saith that the s^d: small bundle w^{ch}: the said Houser told this deponent was the hundred pounds he receiv'd of Mr: Dry was not above an inch thick & so must of course consist of large bills & further this deponent saith not.

Sworn before me this

eighth day of ffb^{ry}: 1726/7

Rob^t: Hume

Thomas Barton

No. (3)

Benj^a: De La Conseillere of Charles Town Merchant maketh Oath that Mr: Henry Houser since dece'd & one of the Com'iss^{ts}: for

stamping bills &^{ca}: often expressed his uneasiness to this depon^t: that the accounts of the said bills were not settled & several times begged the Depon^t's: interest as a member of his Majest^{'s}: Council to have the s^d: affair of the bills brought upon the stage in order to be adjusted he apprehending that during the time he was off the Province there had been some mismanagem^t: of his fellow Comi^{'ss}'s:; This depon^t: further declareth that the s^d: Henry Houser dece^d severall times told him after the Com^{'ttee} was appointed to inspect into the state of the s^d: bills that Mr: William Dry one of the Com^{'iss}'s: for stamping the bills &^{ca}: brought him One hundred pounds (as near as I can remember) in bills that had been issued out & worn, And the s^d: Houser further informed this depon^t: that the s^d: Dry told him that he had the said money out of the Publick Chest to sattisfie some present occasion he had & that he had taken the same without the consent knowledge or Privy of the other Com^{'iss}'s: & several times told this deponent that he was under great uneasiness at the said Dry's taking the said money without his or Maj^r: Hepworth's knowledge it being possible he might have taken more than he told them off, & desir^d me not to make use of his name, but that he told me this for my information whenever the accounts should come regularly before the Council.

Sworn before me the 8th

day of ffebr^y: 1726/7

Benj^a: De La Conseillere

Benj^a: Whitaker/.

The further proceedings of the Com^{'ttee} on the New Bills &^{ca}: Mr: Dry says he has not acted for these three years

The last time that he concern'd himse^le in exchanging was the day before the general Muster at Coll^o: Chickens's.

No bills stamp^t since Mr: Houser went to New England Mr: Houser (he says) exchanged several Sum's of money for persons who did not care to be known.

Mr: Dry says he borrowed a hundred pounds of the Publick which he repaid to Houser & Hepworth lately, the time when he borrowed it he can't remember & that he inform'd both Houser & Hepworth of it at the time he borrowed it.

NB The Com^{'ttee} took the

above examination on

the 7th of this instant

after they had gone thro^u

the other parts of

their charge.

N^o: (5)

The Com'ittee having sent for Maj^r: Hepworth & examin'd him he says.

That the money taken out of the Chest by Mr: Dry was without his knowledge privy or consent & that he was not inform'd of it till it was done to the best of his remembrance whilst Mr: Houser was in New England. That when he returned he (Mr: Hepworth) acquainted Mr: Houser with it & he seem'd much surprized & therefore he concluded he must be unacquainted with the taking of it.

He further says that the Com'iss^{rs}: had severally access to the Chest without the knowledge of each other.——

This examination
taken on the 8th
ffeb^{ry}: 1726/7

N^o: (6)

Dr: Tho^s: Hepworth & W^m: Dry Esq^{rs}: & Henry Houser (deceased) Com'iss^{rs}: for Printing & Stamping the New Bills . . . Cr:

Anno 1723
April 4th.

£ S D
£ S D

To 100 impressions printed
as ₤ their book of £20 £15 £12 & £8 }
bills amounts to }
12th

To 2000 impressions printed as ₤ their
book of £6 £4 £2 & £1 bills amounts }
to }

July 16th

To 29001 impressions printed as ₤ their
book of 10^s, 7^s, 6^d, 6^s/3^d & 5^s bills amounts }
to }

Anno 1723

Apr: 4th

By the Publick

Treasur: p^d: by direction of the }
Law } 13050..—..—

By D^o: p^d: him 3600..—..—
By D^o: p^d: him then 11200..—..—
By D^o: then 10650..—..—
By D^o: to the three Comissr: £500 }
each } 1500..—..—
£40000..—..—

1724

Novr: 26th

By new bills issued for old &
burnt by a Com'ittee of both }
houses } 66482, 10, 10

1726

Nov^r: 30th

| | | |
|--|--------|-------------|
| By Do: issued for old bills now remaining in the Com ['] iss ['] s: | { | 9942,,—, |
| Chest | -----} | |
| By new bills remaining in the | { | 1855,,3..9— |
| Chest | -----} | |

£118279,,14,,7Ball[']ce: due from the Com[']iss[']s: 4409,, 4,,2February the 9th 1726£122688,,18..9Signed by the Com[']ittee

| | | |
|--|---|------------------------------|
| Ballance due from the above named Com ['] issioners to the Publick the Sum of four thousand four hundred & nine pounds four Shillings & two pence | { | William Rhett |
| | | Benj ^a : Whitaker |
| | | Thomas Barton |

N^o: (7)The Com^{is}srs: for sinking the } Dr.

1724.

Old bills } £ S. D

Sep^r: 10th.. To cash paid £220,, 5—Octo^r: 12th.. To D^o: paid 184,, 0Nov^r: 5th.. To D^o: p^d: ⌘ Benj^a: Godfrey 410,, 7,, 6,,13th.. To D^o: paid at twice ⌘ Benj^a: { 320,, 17,, 6

Godfrey. }

25th.. To D^o: p^d: Mr: Houser 80,, 10—26th.. To D^o: p^d: Maj^r: Hepworth 188,, 5—To D^o: p^d: Mr: Gibbon w^{ch} I {
pay'd him new bills for }To D^o: p^d: Mr: Houser 315,, 5—

1725

Nov^r: 11th.. To D^o: p^d: Maj^r: Hepworth 189,, 15—August 23^d.. To D^o: p^d: Maj^r: Hepworth { 111,, 10—⌘ Benj^a: Godfrey }

Pr., Contra..... Cr:

1724 £ S D

Augst: 6 By Cash 600,, 0..0Nov^r: 5 By D^o: } both these

} sums in one

By D^o: } receipt £650. 0.0

37.10.0

----- 687.10.0

Nov^r: y^e: 11th By D^o: Oct^r: 21st.. 1724 500,, 0..0

1724

By Ditto 500,, 0..0

23^d By Ditto 223,, 10..0Nov^r: 26th By Ditto 100,, 0..0-----
£2611..0..0

| | |
|---|-------------|
| To D ^o : paid Ditto..... | 200..0 |
| To D ^o : p ^d : Maj ^r : Hepworth..... | 66,,0 |
| <hr/> | |
| Ball ^{ce} : remaining in } | £2299,5,,0 |
| my hands } | 311,,15..0 |
| <hr/> | |
| | £2611..0..0 |

Errors excepted December the 10th. 1726.
 ⌘ Alexander Parris.

Resolv'd that this house will take under consideration the above Report as soon as the house meets in the afternoon

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment.

Order'd that the following message be sent to his Majesties Honourable Council.

Hon^{ble}., Gentⁿ:

Herewth: your Hon^{rs}: will receive the reports of the Com[']ittee of Petitions & accounts & you will please to Observe that the opinion of this house is enter'd under & against the severall Articles in the said Reports, herewith is allso sent to you the several petitions & accounts on w^{ch}: the said Reports are founded.

Tho^s: Broughton Speaker

Order'd that Alex^r: Parris Esq^r: Treasur^r: do pay out of the Publick Treasury of this Province unto M^r: John Moreton for a horse that was impressed from him by Cap^t: Tobias Fitch (w^{ch}: horse dyed & was never return'd to the s^d: Moreton) the Sum' of thirty pounds & that this order be sent to his Hon^r: the Presid^t: & his Majesties Hon^{ble}: Council for their concurrence and that M^r: Speaker do sign the same.

The Report of the Com[']ittee on the proceedings & accounts of the Com[']iss^{rs}: for stamping the new bills was read

And Captain Dry one of the s^d: Com[']iss^{rs}: desiring to have a Copy of the s^d: Report & that their books may be deliver'd to them in order to make answer to the several matters in the said Report contain'd

Order'd that before the said books are deliver'd M^r: Roger Moore & Cap^t: Bond be directed to compare the several Sum's of money Reported to be stamp'd by the Com[']iss^{rs}: in the above report with the books of the s^d: Com[']iss^{rs}: & those Gentⁿ: withdrawing & comparing the same the return'd to the house & reported as follows.

Memorandum March the 25th: 1723 begun to Print the first plate consisting of £20 £15 £12 & £8 bills ended the 4th of April being 1000 impressions, the Sum' total £55000.—

Tuesday April the 9th began to print the third plate consisting of £6 £4 £2 & £1, finished by friday the 12th being 2000 impressions amounting to the Sum' of £26000

April the 24th began to print the second plate consisting of 10^s/5^d/7^s/6^d & 6^s/3^d bills about eighth in the morning ended July the 16th being 29001 impressions amounting to the Sum' of £41688,,18,,9—

55000,,0,,0
26000,,0,,0
41688,,18,,9

Sum' total.....£122688,18..9

The afores^d: account agrees with the Report of the Com'ittee and the Com'iss^{rs}: books.

Order'd that the Com'iss^{rs}: have a Copy of the afores^d: Report & that their books be deliver'd to them & that Mr: Rhett keep the key of the Chest & the papers deliver'd to him by the Ex'ors of Henry Houser deceas'd.

The petition of John Brown messenger of this house setting forth that Mr: Allen an Attorney served him the said Brown with an order to rejoin in an Action of Covenant in Six days and complaining of a breach of Priviledge to this house & praying the consideration of the house on the said Complaint.

The Question was put whether the s^d: Allen should be sent for to the house & check't for such proceeding ag^t: the s^d: Brown

Carryed in the Negative

And then the Question was put whether the s^d: Allen should be Com'itted to the Custody of the messenger for the aforesaid breach of Priviledge.

Carryed in the Negative

Mr: St. Julien & Mr: Ashby were order'd to carry up to the Council the orders for Mr: Wiggin & Mr: Moreton.

Mr: Sec^{ry}: Hart from his Majesties Council brought down the following message & the petitions of Sam^l: Pickring & Jn^o: Lawrence

Mr: Speaker & Gentⁿ:

According to the rules settled by both houses for the passing bills Viz^t., that either house disagreeing to the amendment of a bill desire a Conference; We observe that you have razed out our amendm^{ts}: in a bill for the better securing the Province from Negro insurrections w^{ch}: is no ways agreeable to the method prescribed; We have also remarked the amendments made by your house in the bill for Prohibiting the keepers of Tavers

&^{ca}: giving large Credits, therefore desire you will appoint a Com'ttee to meet a Com'ttee of this Board to conferr on the s^d: Bill. Ra. Izard

9th Jan^{ry}: 1726

The house adjourn'd till to morrow morning nine of the Clock

Friday morning the 10th day of February 1726.

The house mett according to adjournment

Mr: Roger Moore acquainting the house that Mr: Rich^d: Allen inform'd him that he did not sign the order for Mr: Brown to rejoin in the action of Covenant & further say'd that he believ'd the house was imposed upon in that affair & desired a Com'ttee might be appointed to inquire into the same.

Order'd That Mr: Roger Moore Cap^t: Bond & Mr: Parker be a Com'ttee to inquire into that affair.

Order'd that Mr: George Smith Cap^t: Hugh Butler & Mr: Will^m—: Cattle be a Com'ttee to Conferr with a Com'ttee of his Majesties Hon^{ble}: Council agreeable to the message from the Council of Yesterday in the afternoon.——

The house Observing that the Council had disagreed to some parts of the Report of the Com'ttee of Petitions & accounts order'd the following message to be drawn

Hon^{ble},, Gentⁿ:

This house Observing your disagreem^t: to some parts of the Report of the Com'ttee of petitions & acct^s: We have appointed a Com'ttee to Conferr on the same w^{ch}: Com'ttee are directed to conferr with your Com'ttee on the two bills mention'd in your message of Yesterday in the afternoon

Tho^s: Broughton Speak^r:

Sent up by Cap^t: Bond & Mr: Mairant

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment

Mr: Sec^{ry}: Hart brought from the Council the follow^g: message
Mr: Speaker & Gentⁿ:

We earnestly Recomend to you that some method may be im'ediately taken in relation to the Swiss people who are arrived with Captain Omer; We propose to you that a Com'ttee

be order'd to acquaint these people that We are ready to perform all engagem^{ts}: this Province have given as an encouragem^t: for their being transported hither & that the Publick is now ready to provide for them in such places as the Gentleman who has the care of them shall think fitt to Represent & that the Com'ittee further enquire of them when they will be ready to proceed to settle themselves accordingly.

10th Febr^y: 1726.

Ra Izard.

The petition of David Peyre was read complaining of some undue practices of Mr: Richard Allein attorney at Law And the same being read & taken under consideration the Question was put whether the s^d: petition should be Com'itted to the Com'ittee of Grievances.

Carried in the Negative.

Order'd that the said petition do lye upon the table.

Resolv'd that after Tuesday next the 14th of this Instant Febr^y: no petitions shall be received during this Session of Assembly

Order'd that the Com'ittee formerly appointed on the Swiss affairs do im'ediately join the Com'ittee of his Majesties Hon^{ble}: Council & that all other Com'ittees do attend the matters they have in Charge.—

Order'd that Capt: Izard be added to the Com'ittee appointed to inquire into the messenger's complaint ag^t: Mr: Allein Mr: Sec^{ry}: Hart brought from his Hon^r: the President the several petitions following Viz^t:

The Petition of the Minister & Church Wardens of St: Phillips

Charles Town, The petition of Mr: Henry Hargrave

The petition of John Gendroon

The second petition of John Gendroon

Capt: Dry from the Com'ittee of Grievances made the following Report.

The Com'ittee of Grievances Report further on the several Complaints made against Maurice Harvey Provost Marshall N^o 1... John Ness in his first memorial Complains of Maurice Harvey's ill usage & wrongfully accusing him of embezzelling & making away with money &^{ca}: belonging to s^d: Harvey.

N^o. 2.... Tho^s: Haden's deposition proving the ill treatment Ness rec'd at Harvey's hands & disproving what Harvey

says in his answer to the s^d: Complaint that the difference then happening was occasion'd by Ness's not executing a Writt on s^d: Haden.

N^o. 3 Nathaniel Oads deposition proving the same ill usage & allso Harvey's denying that he accused Ness of making way with money of Harveys & that the difference that then happened was occasion'd about not having executed a Writt on one Capstick.——

N^o. 4 John Stevensons deposition proving Ness ill usage from Harvey in imprisoning him at pleasure & that it was on account of money due to Dymes that he confin'd him & not for having made away with any thing of his the s^d: Harveys

N^o. 5 John Ness's complaint of being imprisoned & prosecuted notwithstanding he took the benefit of the Act for discharging of Insolvent Debtors allso his account with Maurice Harvey.——

N^o. 6 Harvey in answer to Ness's first Complaint sets forth that Ness was drunk & abused him at the Ferry & that the reason of their difference was on those occasions & for not serving a Writ on Haden, for absenting himselfe from the s^d: Harvey's Service &^{ca}: being his indented Serv^t: therefore he thought he might confine him as long as he pleas'd.

N^o. 7 John Ness's Representation of Harvey's illegal practices Viz^t: 4 Writts ag^t: Henry Sim'ons for large Sum's, took one Wyat for bail a man of no interest or Credit, had one Writ at the same time for Wyat & rid in company with him two days & slept together yet return'd the Writ ag^t: Wyat Non est inventus, next Court Writ ag^t: Wyat renewed allso four Writts for Sim'ons's bail bonds ag^t: said Wyat but only the four last served whereby Meede the Creditor of Wyat lost his Debt

N^o. 8 Also Execution at same time ag^t: Sim'ons's goods on Conyers's acct: & returnd Nulla bona thô he had at same time a horse & slave boy of Sim'on's to Show him the way to D^r: Corbinesses & stay'd a night & good part of a day at Sim'ons's & saw several more of his Slaves.

- N^o. 9 Execution ag^t: Farr return'd Nulla bona althô levied
& the money rec'd & sent down by Dandridge to
Harvey's as ⚔ Danridges and Paul Viarts' Oaths.—
- N^o: 10 Dandridges & Paul Viarts depositions confirming
the same.
- N^o. 11 A Second Execution ag^t: Farr for the same debt re-
turn'd Nulla Bona again.
- N^o. 12 Banbury a^s Real Writ return'd Non est inventus thô
served by s^d: Harvey afterwards a scape warrant
taken out for s^d: Real w^{ch}: plainly demonstrates the
practice of the Marshall to be unwarrantable Ban-
bury's debt lost till this affair came to light but since
made good to him by Harvey.
- N^o. 13 Banburys Oath on the foregoing Affair.
- N^o. 14 Writ. Wood a^s Elliot served first time thô twice
return'd Non est Inventus, a scape Warrant proposed
by Harvey & the escape to be sworn to
- N^o. 15 Afterwards by a third Writ returnd Cepi Corpus.
- N^o. 16 Rothmahler a^s Donovan Execution served by Ness &
70[£] p^d: to Ness & a promissary note for £18 w^{ch}: was
in full of all debts & charges & yet return'd by
Harvey non est inventus & the s^d: Ness Swears that
he was order'd by Harvey not to let Hume know he
had rec'd the money for that he had a present occas-
ion for money.——
- N^o. 17 Clinch's affidavit proving part of Ness's representa-
tion N^o. 7 Viz^t: that he gave Maurice Harvey a
Note for £15 over & above his debt w^{ch}: was but
£14 odd money for forbearing to keep him in Custody
for a night or so w^{ch}: Sum' of £15 he had since pay'd
to the said Harvey.——
- N^o. 18 Boon a^s Yonge a Writ return'd that he us'd his
utmost endeavour to take Yonge & could not notwith-
standing he walked twelve miles
- N^o 19 & breakfasted with the s^d: Yonge w^{ch}: is proved by
the Oath of the said Yonge as also Sworn to by Ness
- N^o. 20 upon w^{ch}: an Execution issued out.——Brown a^s
Yonge an execution the 5th of Jan^{ry}: 1725. by Virtue

- N^o. 21 . . . of which he took a Negro boy but made no return in the office thô returnable in Febr^y: 1725.———
- N^o. 22 Tozer a^s Yonge execution the 9th Jan^{ry}: 1725 returnable in Febr^y: in Febr^y: following but no return made but since the inquiry into that affair Harvey has tender'd the money to the s^d: Tozer and Humes threat'ned to Arrest Tozer for the ffees on that Suit.
- N^o. 23 William Elliots deposition proving that after Harvey had arrested him he served other Writs on him for the same debt & put him to extrodinary charges to enhance his ffees.———..———
- N^o. 24. John Ness's deposition proving the debt interest & charges on the execution against Farr were rec'd & pay'd to Harvey notwithstanding return'd Nulla bona & that those ag^t: said Farr on account of Brailsford & Dean being sattisfied he rec'd & pay'd Harvey the charges accruing thereby in money & a note of forty pounds on demand.

The foregoing charges ag^t: Maurice Harvey sworn to by John Ness before the Com'ittee this 9th day of Febr^y: 1726.

Mr: Roger Moore from the Com'ittee appointed to Examine into the subject matter of Mr: Brown's complaint made the following Report

The Com'ittee appointed to enquire into the allegations of the petition of John Brown messenger do Report

That sending for Mr: Rich^d: Allein & shewing him the rule of Court annexed to the s^d: petition, he was asked by the Com'ittee what he knew relating to the said rule of Court; He answer'd that he knew nothing of the matter & desir'd that Mr: Childermass Croft might be sent for & examin'd.——— On sending for Mr: Childermass Croft he declared as does appear by his affidavit & further say'd as to the serving of the rule of Court desir'd We would examine his brother Abraham Croft. On examining Mr: Abraham Croft he answered as follows.

Queres To Mr: Abraham Croft.

Who served the rule of Court & by whose order

A That he served it & by Mr: Whitakers order

Q Whether he acquainted Mr: Rich^d: Allein of such a rule before it was served.

A No !——

Q Who the rule was served on.

A Mr: Hume——

Abraham Croft

Sworn before me

Tho^s: Hepworth C. J.

Childermass Croft being duly sworn saith that Benj^a: Whitaker Esq^r: came to this deponent's Office on the second or third day of Feb^{ry}: instant & told him to put in a Replication in a certain cause Eveleigh & Hill Pl^{ts}: & John Brown Def^t: & told him for a President he might look in a Cause where Meede was Plaintiff & Henry Campbell Def^t: w^{ch}: this deponent did & the said Mr: Whitaker took the Replication in the aforesaid Cause of Meede & Campbell & by that dictated to this deponent what to write w^{ch}: he did & Mr: Whitaker signed the replication in Mr: Allein's name & had a rule of Court to rejoin——

Sworn before me

Childermass Croft

ffeb^{ry}: the 10th 1726

Tho^s: Hepworth C. J.

The house reading & taking under consideration the above report Order'd that the replication filed in the cause of Eveleigh ag^t: Brown should be withdrawn & that no kind of Process or proceeding at Law shall hereafter be served on any person intituled to the privilege of this house all such Process & proceedings being deem'd breaches of such Priviledge.

Capt: Bond from the Committee of Petitions & Acc^{ts}; made the following Report.

Report of the Committee on petitions & accounts continued That there appears due to Mr: Yonge as follows .

| Dr | | Cr | |
|---|----------|----------------------------------|------------|
| To his Sallary for the year 1724 | £200.0.0 | By £406.0.0 rec'd of } | |
| D ^o 1725 | 200.0.0 | Kingsmill Eyre on } | 406.0.0. |
| D ^o 1726 | 200.0.0 | acct: of the publick } | |
| allowed him during the vacancy | 100.0.0 | | |
| To a present of french Wines | 22.10.0 | | |
| allowed by the house on a report } | | | |
| of the Com ^{it} tee of Acc ^{ts} : two Sum's } | | 66.15.9 due of Ball ^a | 434.19.1. |
| amounting to | | | |
| Interest due on a bill of exchange } | 15.0.0 | | |
| payable to Mr: Wragg } | | | |
| D ^o : to one other bill | 6.13.4 | | |
| | | £840.19.1. | £840.19.1. |

An account of Mr: Sharps amount^s: to the Sum' of £94.1.6. being for sundry ffees &^{ca}: Your Com'ittee are of opinion ought to be allowed. A second acct: of Mr: Sharps for £28.3.4. being for ffees &^{ca}: both amounting to £124.4.10. Your Com'ittee are of opinion ought to be provided for in this Years Tax.

The Com'ittee upon the whole found this Province indebted to the Agency in England the Sum' of £557.3.11. w^{ch}: Sum' the Com'ittee are of opinion ought to be provided for in the next Year's Tax & paid to the severall persons to whom it is due.

The above Report being read & taken under consideration was agree'd to

Cap^t: Dry from the Com'ittee of Grievances laid before the house a bill for the further Regulation of the Courts of Justice w^{ch}: bill was read the first time & past with Amendments.

Mr: Hargrave Deputy Sec^{ry}: brought down the following message together with an account of Govern^r: Nicholson's disbursements.

Mr: Speaker & Gentⁿ:

I herewith send you Gov^r: Nicholson's acct: of disbursements in solliciting the affairs of this Province in Great Britain, and I earnestly recomend to you to provide to discharge the same Which I think is the least We can do considering the great trouble he is at on our acct: & that this and a great deal more will be by him laid out in the same service therefore I again recomend it to you as an affair of the utmost importance for our general benefit.

10th Febr^y: 1726.

Ar. Middleton

The aforesaid Account of Gov^r: Nicholson's disbursements was read & referr'd to the Com'ittee of petitions & accounts.

The house adjourn'd till to morrow morning nine of Clock

Saturday morning the 11th day of Febr^y: 1726.

The house mett according to adjourment

Order'd that the following message be sent to his Hon^r: the President together with the last Report of the Com'ittee of Greivances.

May it please y^r., Hon^r:

A Com'ittee of our house having examin'd into several further Complaints ag^t: Maurice Harvey Provost Marshall, The Report of the s^d: Com'ittee is herewith sent to you & the same being

supported by several affidavits & other Vouchers, they are also herewith sent to your Hon^r: & the Conduct & behaviour of the said Marshall is submitted to your Hon^r:

Tho^s: Broughton Speaker

The above message & the bill for Regulating the Courts of Justice was sent up by Mr: Allen & Mr: Heyward.

The house read & took under consideration the Report of the Com[']ittee appointed to Audit the Treasurers Acc^t: & Order'd that the following message be sent to his Majesties Hon^{ble}: Council

Hon^{ble}: Gentⁿ:

This house has read & taken under consideration the Report of the Com[']ittee on the Treasur^{rs}: acc^{ts}: & have agreed to the same. We Observe by the s^d: Report that proper Vouchers are wanted from the Com[']anders of the several Garrisons for supplys sent up by the Com[']issary & as many frauds may be com[']itted for want of such receipts, We desire that your Hon^r: will be pleas'd to give directions to the s^d: Com[']anders to give receipts to the Commissary for every thing they shall receive for the use of the Garrisons.

Tho^s: Broughton Speaker

Mr: Rhett from the Com[']ittee appointed on the memorial of Mr: Bordier further Reported thereon.

That having sent for the Swiss people the following Questions were proposed to them

Q....First. Upon what encouragem^t: did you come over to this Country

A....That hearing it was a fine Country they came over with intent to settle in a body together

Q....How did you propose to make such a Settlement

A....That they are ready to Comply with any thing that shall be reasonably proposed to them by this Governm^t: towards making a Settlement.

Q....Whether is there any among you that came on board Cap^t: Omer without a Certificate from the Contractor's Agent in Holland directed to the s^d: Omer

A....That there was four of them which had no such Certificate & think themselves under no Obligation to the Company

Q.... You that are come upon the Companys encouragem^t: are you ready and willing to go to settle at such place of security as shall be appointed for you & to continue till a greater number shall join you from Switzerland

A.... That all except one say that they are ready to go upon the footing and agreement made with the Company.—

Q.... You say you knew the Company failed before you left Holland therefore what View had you to prosecute your Voiage

A.... That We heard the Province had promis'd by a Law to allow £10:0 sterling ꝥ head as an Encouragem^t: to settle & to Subsist themselves for nine months—

From the severall Answers your Com'ittee find it impracticable to settle these people in a body—

That it appears by a Letter from Mr: Pury (the principal projector of sending over these Swiss) to Mr: Bordier the memorialist wherein he acquaints him of the misfortune that had occasion'd him not going on with the design & that Mr: Bordier might dismiss those which were in Holland.—

Mr: Benj^a: Goddin Attorney to Mr: Stephen Goddin & Jacob Satur informed the Com'ittee that those Gentⁿ: had pay'd the passages of these people that are arrived here, & if the Publick would repay that Charge he would set the people at liberty otherwise he must be Obliged to Secure it from the people themselves

Mr: Bordier acquainted the Com'ittee that he had no other concern with the people than to recomend them to the favour of the Generall Assembly—

The Com'ittee upon the whole are of opinion that althô these people are not within the resolution made for their Subsistance Yet they very much deserve the consideration of this Hon^{ble}: house And that Mr: Bordier in particular deserves their notice since he will soon return to Great Brittain in order to proceed to Switzerland & your Com'ittee finding that he is related to several of the best families in Geneva his Report of the Colony & the encouragem^t: the people shall receive here will either induce a great number to come over or otherwise as it shall be represented by the s^d: Mr: Bordier Feb^{ry}: the 11th. 1726.

The house reading & taking under consideration the above Report

The Question was put whether the passages of the Swiss lately arrived should be pay'd out of the Publick of this Province except of such as have enter'd into Contract

Carry'd in the Affirmative
Resolv'd that a present be made to Mr: Bordier for his sea store of One hundred pounds.

And then the following message was order'd to be sent to his Majesties Hon^{ble}: Council.

May it please y^r: Hon^{rs}:

This house has read & taken under consideration the Report of the Com^{it}tee concerning the Swiss & have agreed to pay the passages of all such of them as have not enter'd into contract with Mr: Purry & have also resolv'd to make a present to Mr: Bordier of one hundred pounds towards defraying his expences & We desire your Hon^{rs}: will be pleas'd to concurr with us in this affair.

Tho^s: Broughton Speak^r:
Order'd that Mr: Hume do collect the fines of the Members of this house & that a present be made to M^{rs}: Vallet of fifty pounds out of the s^d: fines in order to Subsist herself & family

The house reading & taking under consideration the petition of Tho^s: Lane & Family Resolv'd that their passages be paid out of the Publick Treasury of this Province & that the President & his Majesties Hon^{ble}: Council be made acquainted therewith.
May it please y^r: Hon^{rs}:

The Court of Com^{ons} Pleas sitting next Week where the attendance of four or five of our Members is required & several Members of this house having very pressing occasions to be absent & cannot attend next Week, We desire that you will consent to our adjournment until next Munday seven night.

Tho^s: Broughton Speak^r:
Mr: Sec^y: Hart brought from his Hon^r: the President the following Message.

M^r: Speaker & Gentⁿ:

Herewith I send you two papers deliver'd to me this morning by Cap^t: Massey One relates to the providing necessarys for the Company at Fort King George according to the allowances in Ireland, the other is a list of the Invalids that are to be discharged & the Sum' in Sterling money to be paid to them;

These he desires me to recomend to y^r: considera'on whether you will think proper to advance the s^d: money for their discharge & to take bills of exchange for the same on the Agent in England.

11th febr^y: 1726.

Ar. Middleton

Mr: Sec^y: Hart brought from his Hon^r: the Presid^t: the following message.

Mr: Speaker & Gentⁿ.

In answer to your message by Mr: Eleazer Allen & Mr: Akin desiring an adjournment for a Week I cannot consent to it the Publick business requiring your sitting therefore I must intreat you to meet again on munday next that We may give it dispatch, the Season of the Year for raising the Tax being very far advanced.

11th: Febr^y: 1726.

Ar. Middleton

The house adjourn'd til Munday next four of the Clock in the afternoon

Munday the 13th day of February 1726.

The following Members mett & Maj^r: Hepworth being chosen Chairman he adjourn'd the house til to morrow five of the Clock in the afternoon

Maj^r: Tho^s: Hepworth

Mr: Thomas Barton

Mr: Eleazer Allen

Cap^t: Daniel Green

Mr: William Rhett

Benja: Whitaker Esq^r:

Mr: Robert Hume

Tuesday the 14th day of February 1726.

The following Members mett according to adjournment And Mr: Hume being Chosen Chairman adjourn'd the house till to morrow five of the Clock in the afternoon.

Mr: Robert Hume

Mr: Barton

Maj^r: Hepworth

Mr: Whitaker

Mr: Allen

Mr: Mairant

Mr: Rhett

Wednesday afternoon the 15th February 1726.

The following Members mett according to adjournm^t: & Mr: Eleazer Allen being chosen Chairman adjourn'd the house till to morrow five of the Clock in the afternoon.

Mr: Eleaz^r: Allen
 Coll^o: Fenwick
 Maj^r: Hepworth
 Mr: Whitaker

Mr: Barton
 Mr: Hume
 Mr: Rhett
 Cap^t: Green

Thursday the 16th day of Febr^y: 1726.

The following Members met according to adjournm^t: & Mr: Rhett being chosen Chairman adjourn'd the house til to morrow five of the clock in the afternoon

Mr: Rhett

Mr: Hume

Mr: Whitaker

Mr: Allen

Mr: Barton

Cap^t: Green

Maj^r: Hepworth

Friday the 17th day of February 1726.

The following Members mett according to adjournm^t: & Cap^t: Green being chosen Chairman adjourn'd the house till to morrow morning ten of the Clock.——

Cap^t: Green

Coll^o: Fenwick

Mr: Rhett

Mr: Allen

Mr: Hume

Mr: Eveleigh

Mr: Barton

Saturday morning the 18th day of Febr^y: 1726

The following Members mett according to adjournment & Mr: Whitaker being chosen Chairman adjourn'd the house till Munday two of the Clock in the afternoon

Mr: Whitaker

Mr: Rhett

Maj^r: Hepworth

Mr: Allen

Coll^o: Fenwick

Mr: Hume

Mr: Barton

Munday the 20th day of Febr^y: 1726.

The house mett according to adjournment & adjourn'd till to morrow morning nine of the Clock——

Tuesday morning the 21st day of Febr^y: 1726

The house mett according to adjournment & adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment

The bill to prevent the desertion of White Serv^{ts}: was read the first time & past with amendm^{ts}:

The bill for the further Regulation of the Courts of Justice was order'd to be read & some progress being made in reading the s^d: bill the Question was put whether the house would adjourn

Carried in the Affirmative

And then the house adjourn'd till to morrow morning nine of the Clock

Wednesday the 22nd day of Feb^{ry}: 1726.

The house mett according to adjournment.

The house proceeded to read the bill for the further Regulation of the Courts of Justice & making further progress therein

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment

The house again made further progress in the bill afores^d: & having spent some time therein the house adjourn'd till to morrow morning nine of the Clock.

Thursday morning the 23^d day of Feb^{ry}: 1726.

The house mett according to adjournment

Order'd that the bill for the further regulation of the Courts of Justice be recom^{it}ted to the Com^{it}tee of greivances

Order'd That the following message be sent to his Majesties Hon^{ble}: Council.

Hon^{ble}: Gentⁿ:

We desire that the Com^{it}tee of your house may meet our Com^{it}tee on the Estimate im^ediately.

Tho^s: Broughton Speaker

Cap^t: Dry one of the Com^{iss}rs: for reprinting the bills informed the house that he was ready to lay before the house his answer to the Report of a Com^{it}tee of this house who were appointed to inspect into the proceedings & acc^{ts}: of the s^d: Com^{iss}rs: if the house would be pleas'd to receive the same & having leave so to do he read his s^d: answer in his place & then deliver'd it in at the table w^{ch}: was as follows.

The answer of Will^m: Dry one of the Com[']iss^{rs}: appointed by Act for Reprinting the paper bills of Credit to the several charges laid to him in particular as well as the Com[']iss^{rs}: in generall in the report of a Com[']ittee of this house appointed to examine the s^d: Com[']iss^{rs}: acc^{ts}: &ca

This Respondent admitts that he together with Tho^s: Hepworth Esq^r: & Mr: Henry Houser dec^d were appointed by an Act of the General Assembly Entituled An Act for the reprinting the present Current paper bills of Credit &^{ca}: Rattified the 23^d February 1722 to print the Sum' of One hundred & twenty thousand pounds in paper bills of several Species the highest to be £20 & the lowest five Shillings.——

That by the s^d: Act all the old bills were to be called in by the first of December ensuing none after that to be a tender in Law & all to be burnt before the fifteenth of Jan^{ry}: following w^{ch}: no doubt the Generall Assembly thought a time full long enough to allow for that service & therefore did not require the Com[']iss^{rs}: to Act any longer nor should this Respondent in particular have engaged in such an endless task had he been apprized that so much longer attendance would have been required of him.

That after the order of Repeal arrived the Com[']iss^{rs}: continued unactive in that affair for some months althô they attended as usual & were ready to exchange any bills that should be brought to them, but the old bills at that juncture being looked upon as the only valuable bills none were brought to be exchanged.

That by a Subsequent Act entituled an Act for calling in & sinking the paper bills Rattified the fifteenth of Feb^{ry}: One thousand seven hundred and twenty three the s^d: Com[']iss^{rs}: were again required to continue acting without any further allowance for eight months longer after the passing of that Act & then none of the old bills remaining should be current throughout this Province. That by the s^d: first above recited Act the Com[']iss^{rs}: were obliged to attend no otherwise than weekly in their turns & consequently had recourse seperately to the Chest wherein the money lay.

That before they enter'd on the Execution of their Office they each of them were bound in separate bonds of £3000 & took as Strict an Oath for the due performance of what was required of them as could at that time be framed.

That true it is the s^d: first recited Act does mention the keeping the Counterparts of the bills in a book to be deliver'd to the Treasurer for the persual of any person w^{ch}: words are (as this Respondent understands) taken Verbatin from former Acts of Assembly passed here for making of paper money, & if the Com[']iss^{rs}: followed the same method that was allways before practiced in the like case of lodging the Counterparts with the Treasu^r: they hope they are not blameable since it was impracticable for them or any others in their behalf (except the Com[']ittee) to get such a bond as the Act directs nor can they think which way it is possible to fix so many Counterparts of bills in any thing like a book there being some bushells of them. The Com[']iss^{rs}: were to print no more bills than by law directed but no one will Suppose they were to take the sence of that part of the Act according to the litteral words there expressed, when near a quarter part of what they printed were so wrinkled, Sullied, defaced, & torn that they were not fitt to utter & the Com[']iss^{rs}: concluded if they signed Numbered & indented no more than they were authorized by Act to print they were within the sence of that clause of the Law.

The next paragraph of the Committee's report w^{ch}: comes in course to be answer'd relates to this Respondent in particular, he takes leave with Submission to deny that ever he refused attending their Com[']ittee when required unless he was at the same time employed in some other Com[']itees of the house & that all he told the Com[']ittee in relation to that affair was that as it was a concern of so long standing he could give them little or no insight into it for that he had not acted since the 14th of Octo^r: 1724 the day before the last general muster at Coll^o: Chickens's or words to that Effect.

And this Respond^t: beggs leave to inform the house that his reason for his neglecting to Act afterwards was because he had complied with both the Laws (to the great detriment of his other affairs) & with no small expence & had attended the service the full time limited by the last thô he looked upon himselfe only Obliged by the first.

As to what the Com[']ittee Report in relation to the second plate consisting of £6,, £4,, £2 & £1 bills this Respondent says that the entry made thereof made in the Com[']iss^{rs}: book was done by him since this sitting of the Assembly & the reason for his so doing

was as follows. Mr: Houser one of the Com'iss^{rs}: came to this Respondent & in a surprizing manner asked him how he came to Omitt making a regular entry of those bills as he had done of the others, to which this Respondent replied that he must be certainly under a mistake but he averring that he was not & this Respondent again demanding if he was sure he was right & he as often answering that he was very sure of it & that there was no other mistake in their acc^{ts}: & with all telling this Respondent that as well the preambles as the greatest part of the other entries being in his hand writing it was proper this should be allso, & this Respondent not having leasure enough then to examine nicely into the affair & computing with Mr: Houser by head the time as near as they could guess that those bills were Stamped & Signed made that entry accordingly, But that this Respondent having since being reminded by Majr: Hepworth that the two plates of smallest bills were both used at one time & the bills Stamped & entered together & examining the Com'iss^{rs}: books on that occasion do find by the daily number of bills Stamp'd in the months of June & July it must have been as is before mention'd in w^{ch}: opinion he is since confirmed by the particular account he kept (in a book for that purpose) of bills signed by him where the time of beginning to sign those bills agrees exactly with what is above related; so that it plainly appears from this explanation of that entry with the circumstances attending it that the Com'iss^{rs}: have given gredit for 2000 impressions in their wrong amounting to £2875— That this Respondent is the onely one of the Com'iss^{rs}: that kept any particular account of what bills he signed & that the book herewith tendered the house is the very Original book he kept for that purpose; in which he has made no manner of alterations or additions since the entrys therein made w^{ch}: was at the time of signing the bills unless in such places where red lines are drawn underneath the figures &^{ca}: where the amount of the several Sum's are carryed out.

And this Respondent takes leave to inform the house of the method he took at first to keep a true & just account & after what manner their accounts came to be so imperfect——

The Plates of largest bills were all Stamped signed numbered Indented & Issued the Com'iss^{rs}: all Sitting.——

After that they took their weekly turns as the Act directed to see the bills Stamped at Mr: Masseys & during such their stay there, were allways employed either in exchangeing or signing & numbering.

That this Respondent being allways (till at the very last that Mr: Houser advanced before him) considerably a head of the others in Signing & Numbering, he used constantly to deface such bills as he lookt upon unfit to utter & as they were usually signed in half Sheets just as they came from the press, it was his Custom when the bills were cutt a sunder & stictht in bundles, in order to keep a true account of what he signed, to sort out those bills that were defaced, & sign & Number so many other good bills of the same denomination in their Stead, because thô an Impression might not have above one or two good bills Yet he took account of it as a whole Impression & this method was practiced for two or three sittings or oftner til at length the other Com'iss^{rs}: in his absence having as he Supposes (& in part remembers) large & thronging Demands from several that wanted their old bills to be exchanged; in their hurry did not observe that regular method, that before they had put in practice but cancell'd several of the defaced bills without taking any acct: how many, or of what Species, or value, by w^{ch}: means this Respond^t: could never afterwards keep any exâct acct:; thô before that, he had been so nice as when a defaced bill happened by chance to be stictht in a bundle amongst others that were good to take another of the same Denomination, & joining of it to the Counterpart of the Indent of such defaced bill, has new indented both parts making the numbers likewise to agree, & this he frequently did at first, before his account came to be so perplexed.——

That each of the Com'iss^{rs}: took upon him to deface such & so many of the bills as he thought unfitt to utter by w^{ch}: means some that this Respondent approved as fair enough & accordingly signed, not appearing to Mr: Hepworth he defaced them & others that both Mr: Hepworth & he had Signed for bills fitt to pass. Mr: Houser looked upon otherwise & were Crossed and Obliterated by him whereby it is plain that this Respond^t: nor either of the other Com'iss^{rs}: could ever afterwards keep any just account of any other than what were issued The Com'ittee Report likewise that several of the New bills remaining in the Chest are Signed only by two or one Com'iss^{rs}: & others by neither. In

answer to w^{ch}: this Respond^t: says that he thought and allways beleiv'd there were none remaining unsigned by him; but if he has Com'itted such a mistake, he is not at all surprized at it when he considers the greatness of the work, & the difficulty of his task, & humbly hopes as that is no Capital Crime it will not detain the house any time in debate./

The Com'ttee in the account they have stated N^o: (6) give no Credit to the Com'iss^{rs}: for any money lying in Coll^o: Parris's hands but as this Respondent is not concern'd in that affair he leaves that point to be cleared up by his Brother Com'iss^{rs}: Maj^r: Hepworth who with M^r: Houser deceast were the Sole Actors in that part, for that he does not remember that he ever receiv'd the value of Six Pence of the s^d: Coll^o: Parris or any in his behalf on that score besides the difference in their accounts arrises from what has been transacted since this Respond^t: declined, & therefore cannot be chargeable with any Errors that may proceed thence.——

Nor do the Com'ttee make any manner of allowance in their stated account for wrinkled defaced or torn bills, but Suggest every Impression to be good; whereas by the very Specimen of bills they have brought to the house it appears that great part of the bills Stamped were very bad & unfit to utter and were therefore never issued as is before Observed. In particular the plate of £6 £4 £2,, & £1 whether not so well Cut or by what other means this Respond^t: don't Remember, but so much he knows, that they were Obliged to print several scores of half, as well as, whole impressions of that plate, more than the Law directed, to make good such as were Sullied, Imperfect & Obliterated, but Solemnly declares he does not know that there was either directly or indirectly, one issued more than the two thousand Impressions or eight thousand bills directed by Law to be uttered.

The next thing to be answered is that the Com'iss^{rs}: to give themselves as little trouble as they could, put several Sum's of new bills into Parris's hands to exchange for old &^{ca}: althô they were not impower'd so to do; This with Submission in the most rigid sence, could be no crime let who will exchange them, when the Publick is no ways injured thereby, especially when the Law has no negative words in that Respect, & it was first done at Coll^o: Parris's request who complain'd at the trouble he was frequently put to by several,

who rather than come to the Com[']iss^{rs}: to exchange their old bills would pay him their Dutys & Taxes in such, leaving it to him to get them exchanged w^{ch}: he rather chose to do than refuse their money, and therefore desired a Sum' might be lodged in his hands for that purpose & allways gave the Com[']iss^{rs}: a receipt to return them the Value in old bills of what they deliver'd him in New; w^{ch}: wth: submission will hardly bear such a Gloomy Representation as it appeared wth: I now come to answer that very henious charge of making use of a hundred pounds of the Publick money w^{ch}: as I never denyed it to the Com[']ittee, & had told it my selfe frequently in Company for two years past, or more, in particular to Mr: Ralph Izard & Mr: Roger Moore, so, I shall now also own the same, & that I repaid it in large bills that were worn, & therefore the Com[']ittee need not have taken the pains they did to procure Affidavits &^{ca}: for supporting that part of their Report. It is very true, I had once an im[']ediate Occasion of some money & had recourse to the Publick Chest where I took out one hundred pounds as an even Sum' in small bills, & to the best of my Remembrance, left a Note under my hand signifying the same, but at what particular time it was, or whether either of the Com[']iss^{rs}: were then presently apprized of it I can't exactly say; It is very plain there was no fraud designed or I should have hardly discover'd it; And since the money is repaid I don't think the Publick is any ways injured: I often brought down old bills to exchange for other people & the reason of my keeping that money so long was partly in expectation of getting the Value in old bills for it, at almost any day seeing the time for exchanging was so often renewed & Prolonged; And indeed it was partly through Careless indifferency; I knew I could at any time raise a hundred pounds & I thought (& do still beleive) I may be able to procure bills of the same Species, that are not Sullied if need be, or let the worst come to the worst, it was but burning that Value of small Bills in the presence of the other Com[']iss^{rs}: before the accounts were Settled, & then the State of the Currency would stand as it ought; whether my note is in being or whether cancelled by Mr: Houser after the money was paid, or what is become of it I can't Say but I really do think there was such a Note in the Chest, And I would feign know the man that was thought worthy of being intruded with so much Publick money, that would not upon an urgent oc-

casion make use of such a small Sum' as an hundred Pounds when he knew he could raise it again at any time; or how many men of less clear Estate than mine have owed the Publick several hundreds for a longer time, & why then should one hundred pounds be less secure in my hands than several Hundreds where there is not so good Security. To Sum' up the whole this Respond^t: is obliged to take the same method used by the Com'ittee to explain the supposed Crimes of the Com'iss^{rs}: that is, of repeating some heads already lay'd down.——

And to begin, the Com'iss^{rs}: were each bound in Seperate bonds, they were also very strictly sworn to the faithfull discharge of their Trust, w^{ch}: the Generall Assembly (when they appointed them) thought sufficient, being as great ties as they could fix them by, they were no otherwise Obligated to attend but weekly in their turns; and as the trust reposed in them depended more on their integrity than on any other tie whatsoever; there was a sufficient Lattitude for them either jointly or seperately to defraud the Publick if they were so disposed, disregarding their Oaths, & might as the Com'ittee observes, have issued out an indefinite number of bills without ever being discover'd, but it is plain there was no such hard thought of them then, or they would not have been appointed, nor does this Respond^t: conceive from what he has already Shown that the design of the Legislature at that time by appointing three Com'iss^{rs}: was so much for one to be a Check over another (thô that might be one reason) as that they thought one hand might be easier to counterfeit than three & that it was a task no one man could have gone through wth: unless he had trible the time allowed him; thô the Com'ittee without perusing the Act presume that to be the only reason.

William Dry

Memorandum, Mr: W^m: Dry made Oath that the foregoing memorial contain'd in four sides of paper was composed by himselfe in answer to the Report of the Com'ittee of the Hon^{ble}: house appointed to examine into the Acc^{ts}: & ca: of the Com'iss^{rs}: for reprinting and exchanging the paper Currency, that the same is an exact relation of that affair to the best of his memory & knowledge & that he does not know nor is he conscious to himselfe of any unjust designs in either of the Com'iss^{rs}: of converting any Publick money to their own use or of himself in particular of defrauding the Publick by the use of the hundred

pounds therein mention'd or in any other manner of ways or means whatsoever.

Sworn before me _____ }
this 22^d: day of Feb^{ry}: 1726 }

William Dry

Ra: Izard

And the s^d: Answer being read the Consideration thereof was postponed.

Order'd that the following Gentⁿ: be appointed a Com'ittee to meet a Com'ittee of his Majesties Hon^{ble}: Council to consider of methods for regulating the Courts of Justice. Mr: Whitaker Mr: Geo: Smith & Mr: Thomas Smith.

Hon^{ble}: Gentⁿ:

This house having had under consideration the regulation of the Courts of Judicature in this Province, we have appointed a Com'ittee to Consider of the same, & we desire your Hon^{rs}: will appoint a Com'ittee of his Majesties Hon^{ble}: Council to join our Com'ittee on a matter of so great Consequence, w^{ch}: we hope will be a means to bring it to a Speedy Conclusion.

Tho^s: Broughton Speaker

Sent up by Cap^t: Buttler and Cap^t: Nicholls

The house reading and taking under consideration his Hon^r: the Presid^{ts}: message w^{ch}: accompany'd some papers of Cap^t: Massey Comander of his Majesties Independ^t: Company at Fort King George & the s^d: Papers being read order'd that the said papers do lye upon the table

Order'd that Maj^r: Tho^s: Hepworth one of the Com^{miss}^{rs}: appointed to reprint the bills, do lay his answer to the Report of the Com'ittee of this house before the house some time to morrow

Cap^t: Dry appointed on the Estimate made the following Report

The Com'ittee on the Estimate Report That they have made a further progress but cannot Yet close the Estimate for the following reasons.

The house came to a Resolution some time agoe that they would take under consideration at their next meeting what further encouragem^t: to give the Officers & Soldiers at the Palachucola Garrison, but as they did not say what additionall pay they would allow, or whether such additional pay should Com^{ence} from the date of that Resolve, so that the Com'ittee are at a loss how to fill up those blanks. The Com'ittee of Acc^{ts}: having not yet

Reported all the acc^{ts}: and Petitions before them that blank must be left to be filled up when they have finisht & Reported the amount of the whole; The money that will be due to the Rangers at Pon Pon is likewise left blank for want of some certificate to shew when they enter'd into the Service & how much longer they are to remain so. The Com[']ittee have likewise thought proper to leave blank the amount due from this Province to several persons in Sterling money by reason those accounts are not adjusted.——

And the same being read & taken under Consideration.

The Question was put whether the pay of the Cap^t: & Lievt: of Palachucola Garrison shall be raised.

Carryed in the Negative

Resolv'd that the wages of the Sergeant & the men of the Palachucola Garrison shall be raised from the 29th October equal to the Wages of the Savanno Garrison.

Resolv'd that the Rangers at Pon Pon be provided for to the 29th day of September next.

The house adjourn'd til two of the Clock in the afternoon

The house mett according to adjournment

Order'd that a bill be brought in to settle the difference between the Parrish of St: Phillips, St: Andrews & St: James Goose Creek & that Mr: Roger Moore Mr: Rob^t: Hume & Mr: Geo: Smith be a Com[']ittee to bring in the s^d: bill. Mr: Eleazer Allen from the Com[']ittee of Petitions & acc^{ts}: made the following Report.

The farther Report of the Com[']ittee on Petition & acc^{ts}:

The Petition of the Vestry & Church Wardens of St: Philips Parish setting forth the Ruinous Condition of the Parsonage house and praying the application of some of the Publick moneys towards building one. Your Com[']ittee being well sattisfied of the truth of the fact mention'd in the Petition do humbly propose that a bill be brought in to apply some part of the money arrising from the Church Duty to that purpose for so long time as the house shall think proper.

Mr: Hargrave's petition praying for the usual Gratuity for his service as Clerk of his Majesties Hon^{ble}: Council, Your Com[']ittee are of Opinion he deserves the Customary allowance for such his Service.

The petition of William Ham'erton praying to be reimbursd fifty pounds out of the Publick Treasury for a horse dying (as he says) in the Publick service, the Com'ittee not apprehending this part of the Petition to be true in fact are of opinion it ought not to be allowed.

An account of James Rawlins amounting to £37:13:0. The Com'ittee examining the several particulars & finding many of the charges unreasonable have disallow'd of them & are of opinion the Sum' of £6,,12,,6,, be paid to the said Rawlins & no more w^{ch}: we Submitt to the consideration of the house;

The petition of John Lawrence on behalf of Paul Souchet. Your Com'ittee are of Opinion that care ought to be taken of the said Souchet to prevent any mischeif that may happen from his madness, & as M^r: Lawrence has proposed to take him into his house at a certain Sallary ꝑ Annum, it would be proper that the Church Wardens be order'd to agree with him or any other person for that purpose not exceeding such a Sum' as this house shall think proper & that the said Sum' be paid out of the Publick Treasury.

Rowland Evens acct: amounting to £18.5.0. not being signed or prov'd the Com'ittee make no Report upon it.

John Molton's acct: £7,,10,,0 for supplying the Creek Indians being Sworn to, the Com'ittee think it ought to be allowed.

An acct: of Joseph Massey amounting to £20 for mending Gun's being Sworn to by M^r: Massey the Com'ittee likewise are of opinion should be allowed off.

An acct: signed John Sharp amounting to £39:6:4: Sterling. Your Com'ittee on examining the s^d: acct: do find the several Articles of w^{ch}: it consists to be in no manner applicable to the Publick of this Province but were apply'd to Gov^r: Nicholson's particular use in defence of several Complaints made ag^t: him for w^{ch}: reason your Com'ittee are humbly of opinion no notice ought to be taken of it, nor any part of it allowed.

On the petition of the Inhabitants of the S^o: side of Ashly River praying as is therein set forth the Com'ittee on examination of the Equity of s^d: petition, are of opinion that the petitioners have leave to bring in a bill for their purpose by the next Session of Assembly, in w^{ch}: time the other parts of the Parish may have liberty if they shall think fitt to offer their reasons to the Contrary, none as yet appearing to your Com'ittee.

The petition of several of the Inhabitants of the upper parts of the Parish of St: James Goose Creek & the lower part of St: Johns praying for leave to bring in a bill for erecting a New Parish &^{ca}: Your Com'ittee finding that the Petitioners have been at Considerable Charge in erecting a handsome building for a Church on the upper part of Goose Creek Parish are therefore of opinion that the prayer of the petition be granted & submit it to the consideration of this Hon^{ble}: house.

Order'd that John Brown Gentⁿ: messenger of this house do take into his custody Tho^s: Hepworth & Benjamin Whitaker Esq^{rs}: Members of this house, for not attending the service of this house according to the Sum'ons of the said messenger by the direction of the house.

The bill for establishing a Ferry from the Landing of Mr: John Godfrey cross Pon Pon River was read the first time & past with amendments.

The house adjourn'd till to morrow morning nine of Clock

Friday morning the 24th day of Febr^y: 1726.

The house mett according to adjournment

The house took under consideration the several matters in the Report of the Com'ittee of Petitions & acc^{ts}: the consideration whereof was postpon'd until this morning——

Resolv'd that Mr: Sharp's account with Gov^r: Nicholson do lye upon the table for further enquiry

Order'd that a bill be brought in for erecting the upper part of St: James Goose Creek & the lower part of St: John's Parish into a distinct Parish & Coll^o: George Chicken Mr: Rob^t: Hume and Cap^t: Broughton were appointed a Com'ittee to bring in the s^d: bill

A letter from Tho^s: Hepworth Esq^r: in custody of the messenger of this house, to the house was read setting forth, that when he was Sum'on'd last night to attend the service of the house, he im'agin'd it was only to adjourn; & praying to be discharged. Order'd that the said Tho^s: Hepworth do attend the house & that he be discharged paying his ffees.

The petition of David Standish was read setting forth that having several private affairs to adjust in England, his presence there was required; & humbly praying that the Publick Receiv^r:

may be Order'd to pay his Sallary to the end of the present Year, at his return, w^{ch}: petition being read was rejected.

The petition of Benj^a: Whitaker setting forth that he did not intend any Contempt to this house, & humbly asking pardon for his neglect, & praying to be discharged paying his ffees; & the s^d: petition being read the prayer thereof was granted, And he was order'd to attend, & he attending, the Speaker acquainted him, that upon reading his petition the house had order'd him to be discharged paying his ffees.

An Extra acc^t: of Coll^o: Parris was read & Com'itted to the Com'ittee of Petitions.

Order'd that an Additional bill be brought in to the Act for
Regulating the Indian Trade & that Coll^o: Fenwick &
Coll^o: Chicken be a Com'ittee to bring in the s^d: bill.

The bill for making a New Road between the North & South Branch of Stono River.

The bill for Establishing a Ferry from the Landing of Mr: Jn^o: Godfrey cross Pon Pon River were brought down from the Council read in Council the first time & past with Amendments. The Sec^{ry}: allso brought down the last Report of the Com'ittee of acc^{ts}: agreed to in Council.

Order'd that the messenger of this house do Sum'on Capt: Akin & Mr: Mairant absent Members of this house to attend the Service thereof & that they pay the expense of such Sum'ons,,——, ——, ——, ——

The house adjourn'd til two of the Clock in the afternoon

The house mett according to adjournment

The several Com'ittees attended the matters they had in charge The Com'ittees returning to the house. The two foregoing bills were read a second time & past with amendm^{ts}:

The house adjourn'd till to morrow morning nine of the Clock

Saturday morning the 25th day of Febr^y: 1726.

The house mett according to adjournment.

The two bills read last night were sent up by Mr: Geo. Smith & Mr: Thomas Smith.

Mr: Hepworth & Mr: Heyward were order'd to acquaint his Hon^r: the President that the house intended to adjourn til Munday next two of the Clock in the afternoon.

Order'd that a Clause be prepared to be added to the Tax bill directing that all persons possess't of White Serv^{ts}: at the time of their making their returns to the inquirors & Collectors of the Tax for the Curr^t: Year, such Serv^{ts}: shall be deem'd to be within the intent & meaning of the Act of the Generall Assembly of this Province, Intitled An Act for the better settling & Strengthening of this Province.

Capt: Buttler from the Com[']ittee appointed to meet a Com[']ittee of the Council to Conferr upon a bill to prohibit the keepers of Taverns &^{ca}: giving large Credit made their Report

Mr: Sec^{ry}: Hart brought from his Majesties Hon^{ble}: Council the following message.

Mr: Speaker & Gentⁿ:

We disagree to your message relating to the Swiss & are come to a Resolution not to pay for the passages of any of them, As to the hundred pounds given to Mr: Bordier we readily agree with you; We are of Opinion that their Subsistance from their time of coming on Shoar be pay'd by the Publick to this day & that the Swiss should be acquainted with the same.

25th ffeb^{ry}: 1726.

Ra: Izard

The house reading the above message agreed to the same & Order'd a Copy thereof to be given to Mr: Godin.

The house adjourn'd til munday the 27th instant four of the Clock in the afternoon.

Munday the 27th day ffeb^{ry}: 1726./

The following Members mett according to adjournm^t: & Mr: Roger Moore being Chosen Chairman, he adjourn'd the house till to morrow morning nine of the Clock

Mr: Roger Moore.....Mr: Barton.....Coll^o: Chicken

Mr: W^m: Rhett.....Capt: Buttler.....Mr: Sam^l: Eveleigh

Coll^o: Fenwick.....Mr: Jn^o: Ashby.....

Tuesday morning the 28th day of Feb^{ry}: 1726/

The house mett according to adjournm^t: & adjourn'd till two of the Clock in the afternoon.

The house mett according to adjournment

The house proceeding to read the bill for ascertaining & settling the Courses of the Dock Street

The Question was put whether this house would agree wth: the alterations made in Council in the course of the said Street

Carried in the Negative./

And the s^d: bill being read through, The Question was put whether the s^d: bill should pass

Carried in the Negative./

The several Com[']tees attended the matters they had in Charge
Mr: Sec^y: Hart lay'd before the house his accounts.

The house adjourn'd till to morrow morning nine of the Clock

Wednesday the 1st. day of March 1726.

The house mett according to adjournment

The bill to Ascertain the bounds of several Parishes was read the first time & past with Amendments.

Order'd that the following message be sent to his Hon^r: the Presid^t:

May it please Your Hon^r:

According to the desire of this house some time since, We are inform'd that your Hon^r: was pleas'd to send some dispatches to the Cattawbaws by Chester, but that his falling sick prevented these dispatches being sent, as we think that an affair of great Consequence, if your Hon^r: has not since sent them away, We desire that you will be pleas'd to do it forthwth: & when the head men come down we desire that your Hon^r: will be pleas'd to insist on their returning the Gun's & Skins to the Relations of the Indians which were murder'd.

Tho^s: Broughton Speaker.

Coll^o: John Fenwick lay'd before the house the additional Act to the Indian Trading Act.

The house went through the Report made last Saturday of the Com[']tee appointed to meet the Com[']tee of Council on several bills

The fores^d: message & the s^d: Report & the bill for Ascertaining the bounds of several Parishes & the bill for Establishing two Ferrys one over Daho lake & another cross Santee River were sent up by Coll^o: Fenwick & Cap^t: Fitch./

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment

Mr: Sec^{ry}: Hart brought from his Majesties Hon^{ble}: Council the following message

Mr: Speaker & Gentⁿ:

Upon reading the bill to ascertain the bounds of the Parishes of St: Phillips Charles Town, St: James Goose Creek & St: Andrews, we are of opinion that (as the bill is now drawn) it will not fully determine the differences between the Com^{iss}^{rs}: relating to the bounds of the several Parishes therein mentioned; We therefore propose that Com^{ittees} of both houses be appointed to Conferr upon the s^d: bill.

1st: March 1726./

Ra: Izard.

Order'd that the Com^{ittee} that had in charge to conferr concerning the Regulation of the Courts of Justice do also Conferr with the Com^{ittee} of Council on the bill for settling the bounds of several Parishes.

A Bill to Empower Com^{iss}^{rs}: to lay out & keep in Repair a Road from Vesto Savanno into Pon Pon Road was lay'd before the house by Walter Izard Esq^r: & was read the first time & past wth: Amendments.

Cap^t: W^m: Dry from the Com^{ittee} appointed to enquire into the several Complaints ag^t: Cap^t: Fitch made the following Report

The Com^{ittee} appointed to enquire into the several Complaints made ag^t: Cap^t: Fitch whilst he was among the Creek Indians in his second Agency Report as follows.

Darby M^c:Cloughlins Deposition setting forth.

First That Cap^t: Fitch Stopt him from going to trade amongst the abeeecas.

Secondly. That he imprest one of his Horses & men to fetch him a Linguister by w^{ch}: means his other horses got into the Indian field's & dam'aging them he was compelled by s^d: Cap^t: Fitch to make the Indians full Satisfaction.

Thirdly. that Cap^t: Fitch writ a letter to Glover (w^{ch}: Glover read to him) wherein he acquainted him that there was forty burtheners come in with Skins w^{ch}: he had receiv'd & desir'd Glover would send him up two pounds of Paint.——.——.——

Fourthly. That Cap^t: Fitch forbid him & several others from trading with the Chactaws a number of whom were expected at that time amongst the Creeks with Skins for that purpose;

Alexander Wood's deposition proving that Joseph Chambers told him the latter end of November last that he had sold all his horses & goods to Cap^t: Fitch & that Jordan Roach told him the s^d: Wood that he was an evidence to the writings between them on that bargain. Secondly. That John Francis told the s^d: Wood that Cap^t: Fitch had agreed with Glover for most of his horses.——

Thirdly. That Mr: Roach told him that after Cap^t: Fitch had bought Chambers's Goods he offer'd to buy all M^c:intoshe's.

Fourthly. That Cap^t: Fitch took away Tho^s: Reynor's Lycence w^{ch}: was to trade among the Lower Creeks & gave it to Henry Carr who traded therewith at the upper Creeks.

The Deposition of Dan^t: Dicks setting forth.

First that John Francis told him that Fitch & Glover were in Partnership. Secondly. That he forbid any Traders going wth: their goods to the Abecacas to Trade.

Thirdly. That the traders were all forbid by the s^d: Fitch dealing with the Choctaws or for Choctaw Skins.

Tho^s: Dean's Letter to Mr: Eveleigh complaining that the Traders were confin'd each to a Town to trade in.

Secondly. That they were prevented trading in two of the best Towns.

Thirdly. That he permitted Lower Creek traders to trade amongst the upper Creeks & the upper Creek traders amongst the lower Creeks Some of w^{ch}: charges are owned by Cap^t: Fitch but the most Essential he Absolutely denies & offers to make Oath that he bought no other Indian traders Horses or goods but Chambers's w^{ch}: was just before he came away & after he had finisht all the Publick affairs com^t:ted to his trust & that before the purchase of those Horses & Goods he was no manner of ways interested in the Indian Trade

The Com^t:tee also Report that Cap^t: Fitch declares that he had no Copy of the Indian trading Act with him in the Indian Country & having perused his instructions do find no reference to the said Act but a very extensive Decretionary Power in the last Clause thereof, & can't find that he has been Guilty of a breach of any part of his instructions by w^{ch}: alone he was bound & therefore if any think themselves injured by him they may remedy themselves at law. The Com^t:tee therefore Submitt it to this Hon^{ble}: House whether the s^d: Complaints lye Properly

before the Assembly; The house reading & taking under consideration the above Report, were of opinion that the several Complaints made ag^t: Cap^t: Fitch to w^{ch}: the s^d: Report refers are not made good.

Mr: Allen from the Com^{it}tee of Petitions & accounts made the following Report.

The Report of the Com^{it}tee on Petitions & accounts continued. An account of Cap^t: Tobias Fitch N^o: (1) regarding his first Agency to the Creeks. Your Com^{it}tee Observe one article consisting of £45,0,0 being a present, As Cap^t: Fitch had no orders to make any such present, we submit the same to the consideration of the house; The other articles your Com^{it}tee think reasonable & that they ought to be allowed the whole of the account amounts to the Sum['] of £22,,——

N^o: (2) account of Cap^t: Fitch being £25 for men employ'd to pursue a Negro that was taken & made his escape, your Com^{it}tee are of opinion that the same is a reasonable Charge & ought to be allowed;

An account of Cap^t: Fitch relating to his second Agency to the Creeks N^o: (3) amounting to £1112,, one article £812 is for 203 days at £4 $\frac{2}{3}$ day, the other £300 pounds for an Interpreter & Extraordinary charges, Your Com^{it}tee find the Number of days to be right & the charge of £300 to be agreeable to the Resolutions of the house they are therefore of opinion it ought to be allowed.——

N^o: (4 5 & 6) is three accounts amounting to the Sum['] of £65,,0,,0 being charges whilst Cap^t: Fitch was in the Creek Nation; as the Com^{it}tee can find no such allowance in the Journal, but Cap^t: Fitch producing his instructions We find the Presid^t: promises he shall be pay'd out of the Publick Treasury the charges he shall be at of expresses &^{ca}: we submit the same to the Consideration of the house.

N^o: (7) an account of M^{rs}: Susannah Fitch amounting to £18,,10,0 The Com^{it}tee on examining Cap^t: Fitch find the same to be reasonable & are therefore of opinion it ought to be allowed.

N^o: (8) an account of Cap^t: Fitch amounting to the Sum of £157 @ 10^s/ $\frac{2}{3}$ day for each Indian's maintenance, the Com^{it}tee finding the account reasonable are of opinion it ought to be allowed & he having receiv'd of the said Sum['] £100.0.0 there remains due to him £57.0.0.

N^o: (9 & 10) is two acct^s: of Doctor Ords for entertaining the Creek Indians at two several times amounting to £11.0.0.

The Com^{it}tee being inform^d by Cap^t: Fitch that the charge is reasonable are of opinion it ought to be allow^d.

An account of Cap^t: William Dry's for fifty nine bushells of Corn to the Indians at 10^s/. Your Com^{it}tee being inform^d by the said Dry that the Corn was deliver^d them are of opinion it ought to be allowed.

D^o: of Coll^o: Herbert for forty one bushells at 10^s/ 5^d bushell amounting to £20,,10,,0 Your Com^{it}tee being inform^d by Coll^o: Herbert that he deliver^d the s^d: Corn to the Indians are of Opinion it ought to be allowed.

An account of M^r: Thomas Smith for Hoes & Axes deliver^d to the Indians; as your Com^{it}tee finds he has no orders for so doing, We submit the acct^{: being} £12.0.0. to the consideration of the house

On the account of Benj^a: Massey for mending the Charokee Arms. The Com^{it}tee having sent for the said Massey & Sworn him to the truth of his Account are of Opinion it ought to be allowed.

On the Petition of Samuel Pickring; the Com^{it}tee on Inquiry find that on passing the Act, the Current money of this Province was equal to Proclamation, & that the Coroners ffees have not been raised since that time the Com^{it}tee are therefore of Opinion the Coroners ffees ought to be raised as the other Publick Officers ffees has been./

The above Report being read & taken under consideration, the Opinion of this house was written ag^t: each article thereof.

Cap^t: Bond & M^r: Mairant carryed up the above Report.

M^r: Sec^{ry}: Hart brought down the Report of the Com^{it}tee of Petitions & accounts agreed to in Council.

A former Report of a Com^{it}tee of accounts relating to Cap^t: Fitch's accounts was now read & the opinion of the house written against the several Articles in the s^d: Report.

The bill for Erecting a New Parish out of the upper part of the Parish of S^t: James Goose Creek & the Lower part of the Parish of S^t: Johns was lay^d before the house & the same was read a first time & past with Amendments.

The house adjourn^d till to morrow morning nine of the Clock

Thursday the 2^d. day of March 1726.

The house mett according to adjournment

Mr: Sec^y: Hart brought from his Hon^r: the Presid^t: the following message together with some letters to Mr: Sharp from Gov^r: Nicholson & Mr: Yonge's Petition to his Majesty.

Mr: Speaker & Gentⁿ:

I herewth: send you a small Packet I have just now rec'd from Govern^r: Nicholson by w^{ch}: you will see our Affairs are put upon a footing in order to be decided, & I hope You will join with me in opinion of the absolute necessity of Continuing our Agent for another Year with the same Encouragem^t: you gave him for the last, this Packet is a duplicate of others not yet receiv'd——

2^d. March 1726./

Ar. Middleton

On motion that the Council be desired to send down Mr: Boon's order & the following message was Order'd to be sent

Hon^{ble}: Gentⁿ:

It is long since that an order was sent up from this house to Yours, for the paym^t: of fifteen hundred pounds due to Mr: Boone; and as we think the Publick Faith of this Province is concern'd in the discharge of that just debt, we desire that you will concur to the said order & send it down to us that it may be deliver'd to Mr: Boone.

Tho^s: Broughton Speaker

The above message sent up by Mr: Tho^s: Smith & Mr: John Ashby

Maj^r: Hepworth acquainted the house that he was ready to lay before them his answer to the Report of the Com[']ittée appointed to state the accounts of the Com[']iss^{rs}: appointed to Stamp & exchange the Old bills, & being directed so to do he read his answer in his place & deliver'd the same in at the table w^{ch}: was as follows.

To the Hon^{ble}: Thomas Broughton Esq^r: Speaker & to the rest of the Hon^{ble}: the Members of the Com[']ons House of Assembly

Hon^{ble}: Gentⁿ:

I have perused the Report of the Com[']ittée of your House appointed to examine into the proceedings & accounts of the Com[']iss^{rs}: for Printing & Stamping the New bills, wherein are

Contained several Charges on the s^d: Com[']iss^{rs}: for Neglect and breach of duty in their said Office, & to such parts thereof as relates to me, I begg leave to lay before you this my Answer
In the first place I take notice that such part thereof as affects me may be reduced to the following heads.

First. It is charged that I promis't the Com[']ittee to lay before them a whole State of the several Affairs they were appointed to examine into but Neglected it.

Ans^r: True I did so promise but after understanding that the Com[']ittee had before them the several books of the Com[']iss^{rs}: kept by them for that purpose & also several other papers found in Mr: Housers keeping at his decease w^{ch}: I knew was full and sufficient for them to found their Report on; I thought it needless & had the same been done by me, the Com[']ittee must or would have examin'd it by the s^d: books or papers. Secondly the s^d: Com[']iss^{rs}: are charged with printing £2688,,18,,9 more than the Law directs.

Ans^r: It appearing by the answer of Cap^t: W^m: Dry that thro' a mistake of Mr: Houser deceased a double entry was made by Mr: Dry in the Com[']iss^{rs}: book of Impressions of the £6.£4.£2. & £1. bills; I need not add only that the same will more clearly appear as well by a Strict perusal of the said Com[']iss^{rs}: book as by examining Mr: Benj^a: Massey & his brother who attended the Press, and Mr: Speaker & Gentⁿ: I think this double entry in the s^d: book being made by Mr: Dry without my knowledge (as he himself owns) it ought not to charge me.

Thirdly. It is charged that several Different States of these acc^{ts}: were found among Mr: Houser's papers.

Ans^r: I never knew of any account of Mr: Housers stating about this affair but what we deliver'd to the Govern^r: or the house till this mistake was made, & therefore it no ways concerns me, I allways depending upon our books w^{ch}: I did not think would be at any time alter'd without my knowledge.

Fourthly. It is say'd that no Counter parts to these bills or books indented were provided to be deliver'd to the Treasurer according to the direction of the said Act.

Ans^r: We took the same method w^{ch}: all other Com[']iss^{rs}: who have been appointed for Printing & Signing of bills took, the Counterparts are indented & Numbered & Sticht in bundles & what have not been yet deliver'd to the Treasu^r: are now ready

to be deliver'd & we have no directions to deliver the same whether during or at the finishing our employment.

Fifthly. It is Charged on the Com[']iss^{rs}: that we were a Check on each other, yet we had seperate recourse to the Chest in each others absence:

Ans^r: This charge affects each Com[']iss^r: & the same is fully clear'd up by Mr: Dry in his answer to the said Report. I shall not spend your Hon^{rs}: time on that head.

Sixthly. The last charge of the s^d: Com[']ittee consists in the said Com[']iss^{rs}: burning or tearing such of the impressions as were useless without any Voucher.

Ans^r: the Com[']iss^{rs}: thought it to no purpose to preserve them, the same not being deem'd such impressions the Law intended to be made Current, & had any one took away part of those useless papers, the same could have never been imposed on any one as a good bill, so that we look't on them as no more than wast paper.

May it please y^r: Hon^{rs}:

I do deny that I ever directly or indirectly made use of any of those bills but in exchanging the New for old ones, as the same are entered in our book, & moneys paid to Coll^o: Parris according to the directions of the several Acts of Assembly under w^{ch}: we Act, except in lending Coll^o: Parris the new bills mention'd in the said Report, w^{ch}: he told us would be a great ease to him in receiving the Publick debts, & this was done by the equal consent of all the Com[']iss^{rs}: & excepting £223.10:0 w^{ch}: I deliver'd to Coll^o: Parris, after exchanging w^{ch}: I acquainted Mr: Houser with who was well sattisfied; & here I must begg leave to observe that this happened when the Com[']iss^{rs}: had sat long after the time Agreed & Limited by the first Act so that they might well expect to take some indulgence in an office of that trouble & expence without any Recompence especially since the Publick receiv'd no injury thereby.

Sworn before me

this 2^d. March 1726/7.

Tho^s: Hepworth

Tho^s: Barton

Order'd that the Com[']iss^{rs}: appointed to Stamp & exchange the bills do state an account under their hands & lay the same before this house this afternoon./

Order'd that Mr: Samuel Eveleigh be pay'd out of the Publick Treasury of this Province the Sum' of forty pounds for an express w^{ch}: by Order of this house he sent to the Catawbaws.

Resolve'd that Cap^t: Fitch be allowed out of the Publick Treasury of this Province for providing an interpreter to the Creek Indians in town the Sum' of twenty pounds.

Mr: Secretary Hart brought from his Hon^r: the Presid^t: the following message together with a Petition & an account of Liev^t: Watt.

Mr Speaker & Gentⁿ:

I did not think to send you any more Petitions from this board, but this that I now send you, being of an extraordinary nature, & the Gentⁿ: out of his money for the building the Fort after it was burnt to the ground, under that necessity I wrote to Mr: Watt to use his best endeavours to get the Soldiers to work in order to put themselves in a posture of defence & told him that I did not doubt but that when I heard from England they would be payd for their labour, but without my knowledge or desire Mr: Watt did pay them out of his own money as you will see by this account; As I hope the said Garrison will be no further charge to the Province, I desire you to be so kind as to pay Mr: Watt what is due to him, & I shall take it as an obligation on myselfe

2^d. March 1726.

Ar. Middleton

The house adjourn'd til two of the Clock in the afternoon

The house mett according to adjournment

Lieu^t: Watt's account being read & taken under consideration the following message was order'd to be sent.

May it please y^r: Hon^r:

In answer to your message to this house of this morning, We inform your Hon^r: that we are of opinion that it is highly just & reasonable that Liev^t: Watts acct: of money disbursd for work done at Alatomaha in rebuilding the same after it was burnt should be repaid him but this house cannot consent to the raising of that money by tax on the Inhabitants of this Province, because his Majesty does not expect this Province should pay any money on account of that Garrison.

Thos: Broughton Speaker

Sent up by Mr: Rhett & Mr: Raven.

Coll^o: Fenwick laid before the house an Estimate of the charges for the Curr^t: Year w^{ch}: he read in his place & deliver'd the same in at the table w^{ch}: was order'd to be read.

Resolv'd that Mr: Whitaker Mr: Allen & Mr: Hume be a Com'ttee to examine into the behaviour of Mr: Morrett & that they report the same to the house.

The house begun to read the Estimate for the Curr^t: Year & made some progress therein & order that the further consideration thereof be postponed till to morrow morning

The house adjourn'd till to morrow morning nine of the Clock

Friday the 3^d day of March 1726.

The house mett according to adjournment

The house again took under consideration the Estimate for the Current Year & went through the same & having closed the s^d: Estimate it was sent up by Mr: Rhett & Cap^t: Saunders.

Mr: Sec^{ry}: Hart brought from his Hon^r: the Presid^t: the following message.

A List of what things are necessary for Fort King George wrote for by Ensign De LeGall.

Powder-----four barrells.

Ball of all Sorts Viz^t: Muskett ball 4000, 96 three pounders 24 two pounders. Ram'ers 5, Spungs 5. Worms. 5

Bricks for an Oven & Chimney.

Mr: Speak^r: & Gentⁿ:

The above particulars I am desired by Cap^t: Massey to lay before you to be provided for the present use of his Majesties Fort King George, As to the powder it may (with your consent be taken out of the Publick Magazine & I shall be ready to concurr with you therein.

3^d March 1726.

Ar. Middleton

Mr: Sec^{ry}: Hart brought from his Majesties Hon^{ble}: Council the following message

Mr: Speaker & Gentⁿ:

Upon reading the bill for securing the Province from Negro Insurrections, we have referr'd the drawing the explanatory clause you have agreed to, to our Com'ttee appointed to conferr with you on settling the bounds of the Parrishes of St: Philips,

therefore desire you will direct your Com'ittee to assist us in the drawing the same.

2^d. March 1726.

Ra. Izard.

He brought down also with him the following bills.

A Bill for making a new road between the North & South branch of Stono River read a second time in Council & past with Amendm^{ts}:

A bill for Establishing a Ferry from the Landing of Mr: John Godfrey Cross Pon Pon River read in council a second time & past with Amendments.

A bill to empower Com'iss^{rs}: to lay out & keep in repair a Road from Westo Savanno into Pon Pon road read in Council a first time & past with amendments.

An Additional bill to An Act intitled An Act for the better Regulation of the Indian Trade &^{ca}: read in Council a first time & past with Amendments.

A Bill to prevent the desertion of White Serv^{ts}: read in Council a first time & past with Amendments.

Benj^a: Whitaker Esq^r: laid before the House a bill for the more Effectual establishing of County Courts.——

George Smith Esq^r: laid before the house a bill for Regulating of the Marshall's proceedings & the Practice of the Law.

And the s^d: bills were read the first time & past with Amendments & sent up by Mr: George Smith & Cap^t: Raven.

Maj^r: Hepworth according to the orders of this house laid before the house the accounts of the Com'iss^{rs}: for Printing the bills.

Coll^o: Fenwick Coll^o: Chicken & Mr: Rhett were appointed a Com'ittee to meet a Com'ittee of his Majesties Hon^{ble}: Council to consider of what is necessary to be done to Fort King George & the other Fortifications of this Province & then the following message was order'd to be sent.

May it please y^r: Hon^r:

For the reasons already given your Hon^r: in our message of Yesterday this house can in no manner make provision for what remains due for the repairs of Fort King George, but we are ready to join with your Hon^r: & the Hon^{ble}: Council to make a Loan to his Majesty out of the money in the Treasur^{rs}: hands arrising from Duties of such a Sum' as shall be agreed on by both houses to make good what is dificient for Fort King George as well as what may be still necessary for that Garrison & his

Majesties other Fortifications & Garrisons in this Province & have appointed a Com'ttee accordingly

Thos: Broughton Speaker.

The above message was sent up by Mr: Whitaker & Cap^t: Nicholls

The house adjourn'd till two of the Clock in the afternoon.—

The house mett according to adjournment.

The house took under consideration the Report of the Com'ttee appointed to examine the proceedings & acc^{ts}: of the Com'iss^{rs}: appointed to reprint the paper bills.

And the answers of W^m: Dry & Tho^s: Hepworth Esq^{rs}: being both read, the house enter'd into the debate of the same & the house finding that there is due to the Publick of this Province on the Ball^a: of the s^d: Com'iss^{rs}: accounts the Sum' of Six hundred twenty Seven pounds five shillings which they alledge is in the hands of Coll^o: Alex^r: Parris. Publick Treasurer.

Order'd that the s^d: Com'iss^{rs}: do procure a Receipt from the s^d: Parris for the the s^d: Sum' of £627.5.0. that the s^d: Sum' may be appropriated to some Publick use.

The house having gone through the s^d: Report the several Answers & accounts.

The Question was put whether the Com'iss^{rs}: have been guilty of negligence & mismanagem^t: in the Execution of their duty as Com'iss^{rs}: for Reprinting the New & Exchanging the Old bills.

Carried in the Affirmative

A duplicate of a former Order to Mr: Boone of the 18th December 1725 for £1500.0.0. was sent up to his Majesties Hon^{ble}: Council the said Order being mislaid in Council.

Resolv'd that the first thing that this house proceeds on to morrow morning shall be the settling the Estimate for the Current Year.

The house adjourn'd till to morrow morning nine of the Clock

Saturday the 4th. day of March 1726./

The house mett according to adjournment

The following message was sent to his Majesties Council.

Hon^{ble}: Gentⁿ:

There being several bills in the hands of the Com'iss^{rs}: appointed for stamping & issuing the paper bills which have not

been issued; We desire that you will appoint a Com'ttee of his Majesties Hon^{ble}: Council to meet our Com'ttee to Confer on that affair.

Tho^s: Broughton Speaker Order'd that Alex^r: Parris Esq^r: Treasurer do pay out of the Publick Treasury of this Province unto Theophilis Bordier for his Sea Store in returning to Europe the Sum^y of One hundred pounds & that this order be sent to his Hon^r: the Presid^t: & his Majesties Hon^{ble}: Council for their concurrence & that Mr: Speaker do sign the Same.

Mr: Sec^{ry}: Hart brought down from his Majesties Hon^{ble}: Council the following message & the Estimate.

Mr: Speaker & Gentⁿ:

We find by the Estimate that all Sallarys are provided for to the 29th of September next excepting only the Article for the Master of the Free School w^{ch}: is only provided for to the 29th. March. As the Sallary for a School Master is Establish't by Law so we think it ought to be raised as usual.

4th: March 1726.

Ra. Izard

On reading the bill for Establishing of County Courts.

The Question was put whether there should be any more Courts Establisht in this Province than is mention'd in the said bill.

Carried in the Negative.

The bill for the more effectual Establishing of County Ct^s: was read the second time & past with Amendments.

The Sec^{ry}: brought down from his Majesties Hon^{ble}: Council the following message.

Mr: Speaker & Gentⁿ:

We cannot consent to appropriate any part of the moneys arrising from the duties by Law to be burnt to be applied to make good what is difficient for Fort King George, but desire that the money due to Mr: Watt may be added to the Estimate & raised in the next Years Tax, since now the Estimate is lying before your House.

3^d. March 1726./

Ra. Izard

The house adjourn'd til two of the Clock in the afternoon

The house mett according to adjournment

The house proceeded on the Tax bill & went through with the same & past it a second time with Amendments & was sent up by Coll^o: Fenwick & Cap^t: Nicholls

Mr: Sec^{ry}: Hart brought from his Majesties Hon^{ble}: Council the follow^g: Message

Mr: Speaker & Gentⁿ:

We have now before us your proposal for making use of the bills lying in the Com[']iss^{rs}: hands appointed to Print Exchange and Issue out the Sum['] of £120,000. We Can't proceed thereon til we have perused the books, acc^{ts}: & other proceedings of the Com[']iss^{rs}: w^{ch}: if now lying before you, we desire you'll send to this board together with the Report of the Com[']ittee therèon. 4th: March 1726.

Ra. Izard.

The book of acc^t: of the Com[']iss^{rs}: for Stamping & Issuing the paper bills together with the Report of the Com[']ittee of this house on the s^d: acc^{ts}: & the answer of Tho^s: Hepworth Esq^r: & William Dry Com[']iss^{rs}: for Stamping the said bills to the s^d: Report were sent up to the Council by Mr: Allen & Mr: Barton.

The house adjourn'd til Munday morning nine of the Clock

Munday the 6th. day of March 1726.

The house mett according to adjournment

Mr: Rhett laid before the house an Additional bill to An Act intituled an Additional Act to an Act for the keeping & maintaining a Watch & good Orders in Charles Town w^{ch}: said bill was read a first time & past with amendments.

The bill for Establishing a Ferry from the Landing of Mr: John Godfrey cross Pon Pon River was read a third time & past with Amendments.

The house adjourn'd til two of the Clock in the afternoon

The house mett according to adjournment

The bill for Establishing a Ferry Cross Pon Pon River from the Landing of Mr: John Godfrey

The Additional bill to an Act intituled an additional Act to an Act for the keeping & maintaining a Watch & good orders in Charles Town were sent up to the Council by Mr: Heyward & Maj^r: Hepworth.

The house proceeding on the bill to prevent the desertion of White Serv^{ts}: & several debates arising on the s^d: bill (as to the title of it) & as amended by the Council, the same was recom^{it}ted to a Com^{it}tee Viz^t: M^r: George Smith & Coll^o: John Fenwick. M^r: Sec^{ry} Hart brought from his Majesties Hon^{ble}: Council the following message.

M^r: Speaker & Gentⁿ:

We have now before us the Tax bill for our second reading, but upon perusing the Estimate we find the annual provision appointed by Law for the master of the Free School for the whole Year not inserted therein thô we sent you a message on Saturday last to this purpose, We desire therefore your answer to the s^d: message before we can proceed.

6th: March 1726.

Ra. Izard

The house reading & Considering the above message from his Majesties Hon^{ble}: Council sent the following Answer.

Hon^{ble}: Gentⁿ:

In answer to your message of the 4th. instant as well as that just now receiv^d by M^r: Sec^{ry}: Hart, this house is determin^d to make no further Provision in this Years tax as a Sallary for a School Master than what will be sufficient to pay the present to the 29th. instant w^{ch}: is the reason you find no more than two hundred pounds in the Estimate

Tho^s: Broughton Speaker

The above message was sent up by M^r: S^t: Julien & M^r: Jn^o: Ashby

The bill for making a New road between the N^o: & S^o: branch of Stono River was read a third time & past wth: Amendm^{ts}:

The bill to empower Com^{iss}^{rs}: to lay out & keep in repair a road from Westo Savanna into Pon Pon road was read a second time and past with Amendments.

The bill for Regulating the Marshalls' proceedings & the Practice of the Law was read a second time & past with Amendments. The aforesaid bills were sent up by M^r: Rhett & Cap^t: Raven.

The house having gone through with some part of the Additional bill to an Act intitled an Act for the better Regulation of the Indian Trade &^{ca}: postpon^d the debate of the s^d: bill til the Com^{iss}^r: for Indian Affairs attended the house

M^r: Sec^{ry}: Hart brought from his Majest^s: Hon^{ble} Council the following message

Mr: Speaker & Gentⁿ:

In answer to our last message relating to the providing the Sallary appointed by Law for the Master of the Free School, you have sent us up a message by Mr: St: Julien & Mr: Ashby wherein you acquaint us that your house is determin'd to make no further provision in this Years Tax for a Free School Master than what will be sufficient to pay the present to the 29th. instant It is still the Opinion of this board that provision be made for the whole Year the present School master being willing to Officiate til another shall be sent hither by the Hon^{ble}: Society, If he hath not discharg'd his Duty upon due proof thereof there may be reason to provide no further Sallary, but we think if anything of that nature be lay'd to his charge he ought of Right to have an oppertunity of Publickly justifying himselfe before he be deprived of his Sallary unless it be your design absolutely to break up the Free School, If that be your intention, 'tis better to do it by repealing the Law for we can never expect any other Master when it shall be represented to the Hon^{ble}: Society that this Province has discharg'd their Missionary without so much as giving him a hearing, We likewise observe that you have provided no further then to the 29th. instant for the Usher of the School w^{ch}: Confirms us in our opinion that you design to continue that School no longer.

6th. March 1726/

Ra. Izard

The bill to prevent Contentious & Vexatious Suits was read a Second time & past with Amendments.

The bill for the more Effectual Establishing of County Courts & the afores^d: bill were sent up to his Majesties Council by Mr: Rhett & Cap^t: Raven.

Mr: Sec^{ry}: Hart brought down from his Majesties Council the bill for establishing a ferry from the Landing of Mr: John Godfrey cross Pon Pon River read in Council a third time & past wth: Amendm^{ts}:

The additional bill to an Act intituled an Additional Act to an Act for keeping & maintaining a Watch & good Orders in Charles Town read in Council the first time & past wth: amendm^{ts}:

On motion that the Com^{it}tee appointed the second instant to enquire into the behaviour of Mr: Morrit & to report the same to this house have power to send for persons papers & Records

Resolv'd therefore that the s^d: Com'ittee have power to send
for persons papers & Records.

The house reading & Considering the above message from the
Council resolv'd to send the following Answer

May it please y^r: Hon^{rs}:

This house will not consent to add one penny more to the
Estimate, If M^r: Morritt can acquit himself of what is lay'd to
his charge he will have an Oppertunity to do it before a Com'ittee
of this house that was appointed the Second instant for that
purpose.

Tho^s: Broughton Speak^r:

The house adjourn'd till eight of the Clock to morrow morning

Tuesday the 7th. day of March 1726.

The house mett according to adjournment

The above message drawn & engrost last night was sent up by
Cap^t: Dry & M^r: John Ashby.

The for establishing a ferry from the Landing of M^r: John
Godfrey Cross Pon Pon River was order'd to be engrost
M^r: Sec^{ry}: Hart brought from his Majesties Hon^{ble}: Council the
following message with the Tax bill.

M^r: Speaker & Gentⁿ:

We think it would be proper that the Oath appointed to be
administer'd by the Collectors in the Act for the better settling
and Strengthening of this Province be inserted in the Tax Act,
least the Collectors should not be appriz'd of the form of it.

6th. March 1726.

Ra. Izard.

The additional bill to an Act intituled an Additional Act to an
Act for the keeping & maintaining a Watch & good Orders in
Charles Town was read a second time & past with Amendments.
& sent up to the Council by M^r: Eveleigh & M^r: Mairant.

M^r: Sec^{ry}: Hart brought from his Majesties Council the bill for
the more effectual Establishing of County Courts read in Coun-
cil a recond time & past with amendments.

The House having gone through with the Tax bill referr'd
passing the same til the afternoon a Clause being proposed to be
added thereto relating to White Servants.

M^r: Sec^{ry}: Hart brought from his Majesties Hon^{ble}: Council The
bill for making a new road between the N^o: & S^o: Branch of

Stono River read in Council a third time & past wth: amendm^{ts}:
 The bill to Empower Com^{rs}: to lay out & keep in repair a
 Road from Westo Savanna into Pon Pon Road read in Council
 a second time & past with amendments:

The additional bill to an Act intitled an additional Act to an
 Act for keeping & maintaining a Watch & good orders in Charles
 Town read in Council a Second Time & past wth: amendm^{ts}:

The house adjourn'd til two of the Clock in the afternoon

The house mett according to Adjournment

The bill for raising the Sum' of £27452.3.2.1/2 for defraying the
 charges of the Governm^t: for one Year com^{encing} the 29th. day
 of Sept^r: 1726. & ending the 29th. day of Sept^r: 1727. was read
 a third time & past with amendments.

The afores^d: bill was sent up to his Majesties Council by M^r:
 Allen and Cap^t: Nicholls.

The bill for making a new road between the North & middle
 branches of Stono River was order'd to be engrost.

The Humble Petition & Memorial of severall Merchants & other
 Inhabitants of Charles Town as well as in behalfe of the Mer-
 chants in Great Britain trading to this Province as of them-
 selves setting forth several reasons against a bill depending be-
 fore the house, Intitled a bill for the more Effectual establishing
 of County Ct^s: was read & then the house proceeded to read
 the s^d: bill & some debates arrising thereon the following Ques-
 tions were put

Whether there should be any Court establish't in Colleton County

Carry'd in the Negative

Whether there should be any Court establish't in Granvil County

Carry'd in the Affirmative

Whether there should be any Court establish't in Craven County

Carry'd in the affirmative.

M^r: Sec^{ry}: Hart brought down from his Majesties Council the
 bill for raising the Sum' of £27452.3.2.1/2 for defraying the
 charges of the Governm^t: for one Year com^{encing} the 29th.
 day of Sept^r: 1726. & ending the 29th day of September 1727.
 read in Council a third time & past with Amendments

The bill for the more effectual establishing of County Courts
 being read a third time; The Question was put whether the said
 bill should pass this house.

Carry'd in the Negative.

On motion that a Com'ittee be appointed to bring in a bill to appoint an Itenerant Judge to preside over the several Courts of Justice in this Province.

Resolv'd therefore that Mr: John Lloyd Cap^t: Dry & Mr: Geo: Smith be a Com'ittee for that purpose & that they forthwith proceed thereon.

The Tax bill was order'd to be engrost.

The bill to empower Com'iss^{rs}: to lay out & keep in repair a Road from Westo Savanna into Pon Pon Road was read a first time & past with amendments

Order'd that Coll^o: John Palmer be added to the Com'ittee to whom the bill for preventing the desertion of white Serv^{ts}: was recom'itted.

The house adjourn'd till to morrow morning nine of the Clock.

Wednesday the 8th. day of March 1726.

The house mett according to adjournment

The bill for Regulating the Courts of Justice was laid before the house by Cap^t: Will^m: Dry & read the first time & past with Amendments.

The above bill & the bill to empower Com'iss^{rs}: to lay out & keep in repair a road from Westo Savanna into Pon Pon road were sent up by Captain Izard & Mr: Mairant.

An Additional bill to the Act intituled an additional Act to an Act for the keeping & maintaining a Watch & good Orders in Cha: Town was read a third time & past with amendm^{ts}: & sent up by Mr: Rhett & Mr: St: Julien.

The following message was order'd to be sent to his Hon^r: the Presid^t:

May it please y^r: Hon^r:

The ruinous Condition that all the Fortifications are in; The Battery Plattform & Carriages of Johnsons Fort being intirely demolisht, the Gun' Carriages in this Town being rotten & un-serviceable, & Shott being wanting for the Gun's at Port Royall; give us leave to press your Hon^r: to lay a matter of so much Consequence before his Majesties Hon^{ble}: Council, & as your Hon^r: has the Cheif Com'and of this Province, we cannot doubt of your ready Concurrence with us in falling on proper methods to put us in a better posture of defence.

Tho^s: Broughton Speak^r:

Sent up by Cap^t: Dry & Cap^t: Heyward.

On motion the Question was put whether the brass money should be sent to Great Britain.

Carried in the Affirmative

And then the following Gent were appointed a Com[']ittee to conferr with the Council concerning the same; Viz^t: Mr: Rhett Mr: Geo. Smith & Cap^t: Dry.

Order'd that the following message be sent to his Majest^s: Hon^{ble}: Council

Hon^{ble}: Gentⁿ:

The preserving the present Currency being a matter of great consequence, we have appointed a Com[']ittee of this H^o: to consider of proper Representations to Great Britain to obtain the same, & we desire that a Com[']ittee of his Majesties Hon^{ble}: Council may be appointed to meet our Com[']ittee im[']ediately on that affair

Thos: Broughton Speaker

Sent up by Cap^t: Dry & Mr: Ashby.

Mr: Sec^{ry}: Hart brought down from his Majesties Hon^{ble}: Council the bill to empower Com[']iss^{rs}: to lay out & keep in repair a road from Westo Savanna into Pon Pon Road was read in Council the third time & past with amendments.

The particulars included in the article of acc^{ts}: before the Com[']ittee of accounts.

Mr: Sec^{ry}: Hart brought from his Majesties Hon^{ble}: Council the following message.

Mr: Speaker & Gentⁿ:

We have now lying before us the bill for securing this Province from Negro Insurrections & another to ascertain the bounds of several Parrishes w^{ch}: we cannot proceed on till we have a Report from the Com[']ittees of both houses appointed to conferr thereon, We therefore desire that the s^d: Com[']ittee may meet in order to make their Report.

8th: March 1726./

Ra. Izard.

Order'd that the following bills should be ingros^t Viz^t:

An Additional bill to an Act intitled an Additional Act to an Act for the keeping & maintaining a Watch & good orders in Charles Town

A bill to empower Com[']iss^{rs}: to lay out & keep in repair a road from Westo Savanna into Pon Pon Road.

Then the house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment

The bill for the better settling of the Cr^{ts}: of Justice being perused & past once this day. Objections was made to the reading of the bill this afternoon it having been read in this house in the morning upon w^{ch}: Objections several debates arose & then the Question was put if the bill aforesaid should be read.

Carried in the affirmative

Mr: Sec^{ry}: Hart brought from his Majesties Hon^{ble}: Council the following message.

Mr: Speaker & Gentⁿ:

We desire that the Com[']tee of your house appointed this morning to meet a Com[']tee of his Majesties Hon^{ble}: Council upon a bill for securing the Province from Negro insurrections may be order'd to meet our Com[']tee. Gentlemen.

Our Com[']tees have often complain'd to us that when they have meet the Com[']tee on a conference, the Members of your Com[']tee have rec'd positive orders to attend your house & left them w^{ch}: is a hinderance, to the Publick business, we desire therefore for the future we may have no reason to complain of things of this nature but that they may be suffer'd to go on with & finish the business lying before them. 8th: March. 1726./

Ra. Izard

The house read the bill for the better settling the Courts of Justice the second time & past it with amendments. & order'd the following message to be sent to his Majesties Council.

May it please your Hon^{rs}:

The bill for the better settling the Courts of Justice has been read & past this house a second time but finding several Essential alterations made in your house we have disagreed to the same & drawn a line under your amendments. We did not by this intend to be irregular or to give your house any cause to take it amiss of us, therefore if our proceeding is not agreeable to you, upon a Conference upon those amendm^{ts}: we shall be ready to appoint a Com[']tee to meet a Com[']tee of y^r: house

The house adjourn'd till to morrow morning nine of the Clock

Thursday the 9th. day of March 1726.

The house mett according to adjournment

Order'd that the following message be sent to his Majest^s: Council:

Hon^{ble}: Gent^a:

This house has resolv'd to send home the brass money now in the keeping of Coll^o: Parris w^{ch}: we are of Opinion will be the only means to get the money due to this Province, We have therefore appointed a Com[']tee to consider in what manner the same shall be sent, & we desire that a Com[']tee of his Majesties Hon^{ble}: Council may be appointed to meet our Com[']tee on y^t: Affair

Tho^s: Broughton Speak^r:

Mr: William Rhett from the Com[']tee appointed to draw a Representation to his Majesty Reported a Representation & Petition to the King's most Excellent Majesty w^{ch}: being read was agreed to with some amendments & sent up by Mr: Allen & Cap^t: Akin

The bill for the better settling the Courts of Justice & the message to his Majesties Council relating to the passing the s^d: bill was sent up by Mr: Smith.

Coll^o: Arthur Hall laid before the house an Additional bill to the Act for tryall of small & mean causes w^{ch}: was read the first time & past with amendments.

The above bill & the message relating to the Brass Coin was sent up by Cap^t: Fitch & Mr: Ashby——.——

A bill to prevent the desertion of the Inhabitants of this Province was laid before the house by Geo: Smith Esq^r: w^{ch}: bill being read & the Question put whether the said bill should pass.

Carried in the Negative

Mr: Sec^{ry}: Hart brought from the Council the bill for the better Securing this Province from Negro Insurrections & for encouraging of poor people by employing them in Plantations read the second time & past wth: amendm^{ts}:

On motion that the affair of the Agency should now be consider'd the same was taken under consideration & debated &

The Question was put whether an Agent should be continued in Great Britain.

Carried in the Affirmative

The Question was put whether Mr: Yonge should be continued Agent

Carried in the Negative

Resolv'd that Mr: Samuel Wragg shall be Agent to this Province in Great Britain.

The bill for appointing an Agent to Sollicit the affairs of this Province in Great Britain was laid before the house & read the first time & past with Amendments. & sent up by Cap^t: Dry & Cap^t: Akin.

Mr: Whitaker lay'd before the house a bill to disable the members of the Com'ons House of Assembly to hold & enjoy any Employment for w^{ch}: a Sallary is paid or allowed by the Generall Assembly w^{ch}: bill being rece'd it was past the first time with amendments.

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment

A Bill for the better securing the Province from Negro insurrections & for encourageing of Poor People by employing them in Plantations was read the third time & past with amendments.

The s^d: bill & the bill to disable the members of the Com'ons house of Assembly to hold & enjoy any employm^t: for wch: a Sallary is paid or allowed by the Generall Assembly &^{ca}: were sent up by Mr: Barton & Mr: Mairant.

Mr: Sec^{ry}: Hart brought from his Hon^r: the Presid^t: the following message & an account of Doct^r: Hutchinson for £60 for curing a Soldier belonging to the Palachucola Garrison——

Mr: Speaker & Gentⁿ:

I herewith send you an acct: of Doctor Hutchinson's for the cure of a poor Soldier from the Palachucola Garrison, it was by my order, & I desire it may be allowed out of the Publick Treasury, the Doct^r: can give you an acct: of the dangerous Condition the man was in, w^{ch}: I doubt not will be an inducem^t: for your Charity to him.

Ar. Middleton

The bill for appointing an Agent to Sollicit the affairs of this Province in Great Britain was read the second time & past with amendm^{ts}:

The additional bill to an Act for the tryall of small & mean causes was read the second time & past with amendments.

Order'd that the Com'ittee of Grievances do lay before the house all the papers of what kind or nature Soever now lying & being in their keeping in order to be deliverd to the Clerk of this House to be deposited amongst the Records & papers of this house

Resolv'd that Nicholas Trott Esqr: have power & he is hereby empower'd to draw on the Publick Treasurer of this Province for any Sum' not exceeding three hundred pounds for the payment of his Clerks for transcribing the Collection of the Laws according to his proposalls & the s^d: Publick Treasurer is hereby required & directed to pay the same accordingly.

Resolv'd also that the s^d: Nicholas Trott Esqr: have the Transcript he has already made of the Laws w^{ch}: are now in the Sec^{ry}'s office & the Original Laws likewise w^{ch}: are deposited in the s^d: office deliver'd to him in order to enable him to finish & Compleat the s^d: Work & that these resolutions be sent to his Hon^r: the Presid^t: & his Majesties Hon^{ble}: Council for their Concurrence & that Mr: Speaker do Sign the same.

Cap^t: Dry from the Com^{it}tee appointed to Conferr with the Com^{it}tee of Council on the County Court bill made the following Report

The Com^{it}tee appointed to Conferr with a Com^{it}tee of his Majesties Hon^{ble}: Council on the several Amendments made by the Council to the bill for the better settling of the Courts of Justice do Report.

That the Com^{it}tee of the Council still insist upon all causes being tryed where the debt is Contracted without exception, to w^{ch}: your Com^{it}tee cannot agree but are of Opinion that the greatest part of the s^d: clause may be put out of the bill it being sufficiently provided for in the Precinct Court Acts. They likewise disagree to that parragraph relating to the Sum'oning of settled ffree holders &^{ca}: w^{ch}: your Com^{it}tee proposes may be alter'd as follows (except the Plaintiff make oath before some next adjacent Magistrate that he has good reasons to beleive the Def^t: is going away. The Com^{it}tee do further Report in relation to the Amendment made by the Council about the Marshall's Deputys that the Com^{it}tee of the Council consent that Geoal keepers of each Court shall be of such as are of good repute & approved of by the Courts, & that the Marshall shall be restrained from deputing any Convict w^{ch}: your Com^{it}tee approve of & Submit it to the house.

The following message was order'd to be sent to his Majesties Hon^{ble}: Council.

Hon^{ble}: Gentⁿ:

Some few days past a Com[']ittee of both houses mett to conferr concerning the issuing the bills in the hands of the Com[']iss^{rs}: appointed to Stamp them, & our Com[']ittee having deliver'd to yours a State of that affair. We desire you will acquaint us whether you agree with the proposal of our Com[']ittee

Tho^s: Broughton Speak^r:

The above Resolution & the above message together with eight ingrost bills were sent up by Mr: Rhett & Mr: George Smith & those Gentlemⁿ: were directed to compare the said bills in Council but returning inform'd the house that the Council could not proceed thereon till to morrow morning.

Mr: Eleaz^r: Allen Reported from the Com[']ittee appointed to examine into Mr: Morritts conduct the several informations they had receiv'd & the s^d: Morritts' answer.

The house adjourn'd till to morrow morning nine of the Clock

Friday the 10th. day of March 1726.

The house mett according to adjournment

The following message was order'd to be sent to his Majesties Hon^{ble}: Council.

Hon^{ble}: Gentⁿ:

You have severall bills lying before you w^{ch}: have been sent from this house, as we have heard nothing of them we desire they may be sent back to us as also Mr: Boone's order w^{ch}: we have often so pressingly desir'd of you.

Tho^s: Broughton Speak^r:

The additional bill to an Act for the Tryall of Small & mean causes was read the third time & past with amendments.

The bill for appointing an Agent to Sollicit the affairs of this Province in Great Britain was read the third time & past with amendments

The Question was put whether Mr: Hume a Member of this house should have leave to attend the Council to be heard on behalf of the merchants against the bill for the better settling the Courts of Justice in this Province now lying before the Council.

Carried in the affirmative.

Mr: Sec^{ry}: brought from the Council the State of the free School & the house taking the same under Consideration.

The Question was put if this house would make any further provision for the Free School. Carryed in the Negative.

Mr: Cheif Justice laid before the house an Ordinance for the adjournment of the General Sessions w^{ch}: was read the first time & past with amendments & sent up to the Council by Mr: Whitaker

Mr: Rhett & Mr: Geo: Smith brought down from the Council ten ingrost bills compared in Council & the Seals affixed to them The two following messages were order'd to be sent to his Majesties Hon^{ble}: Council.

Hon^{ble}: Gentⁿ:

This house having taken under Consideration your message of this morning relating to the Free School, We have come to a Resolution not to make any further provision for the s^d: School at this time.

Tho^s: Broughton Speak^r:

Hon^{ble}: Gentⁿ:

Our message of last night relating to the bills & the proposalls of our Com[']ittee to yours. we find you have not yet been pleas'd to answer; As we think the interest of this Province is very much concern'd in the just determination of that affair, we are of Opinion that it ought to be done before this Session ends.

Tho^s: Broughton Speaker

The above messages were sent up by Cap^t: Dry & Mr: Parker

The Ordinance for the adjournment of the Generall Sessions was read the second time & past with amendments.

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment.

The Sec^{ry}: brought from his Majesties Hon^{ble}: Council a bill for the better settling of the Courts of Justice.

Mr: Sec^{ry}: Hart brought from his Majesties Hon^{ble}: Council the following message

Mr: Speaker & Gentⁿ:

In answer to your message relating to the bills & the proposalls of your Com[']ittee, we can come to no Resolutions therein til we are let into the true State of those accounts, we therefore desire that the Com[']ittee & the Com[']iss^{rs}: may be order'd to meet our Com[']ittee for that purpose. 10th March 1726. Ra. Izard.

The following message was order'd to be sent to his Majesties
Hon^{ble}: Council

Hon^{ble}: Gentⁿ:

We have read the bill for the better settling the C^{rts}: of Justice & find several alterations made in your house we desire a Conference on those amendments & that a Com[']tee may be appointed of your house to meet our Com[']tee on the same.

Tho^s: Broughton Speaker

Sent up by Cap^t: Buttler & Cap^t: Heyward who also carried up the ordinance for adjourning the Generall Sessions past in this house the second time with amendments.

The bill to ascertain the bounds of severall Parishes was begun to be read & the further reading postpon'd until the next sitting of the house.

Mr: Rhett from the Com[']tee appointed to conferr with a Com[']tee of Council upon the bills in the hands of the Com[']iss^{rs}: reported that the Council consented that the Sum['] of £1855.3.9. in the Comiss^{rs}: Chest should be issued

Mr: Allen from the Com[']tee appointed on petitions & acc^{ts}: made the following Report. [Space was left for the report, but it was never entered.]

The Ordinance for adjourning the Sessions was read a third time & past with amendments & sent up by Cap^t: Fitch & Cap^t: Saunders.

Mr: Sec^{ry}: brought down the following message.

Mr: Speaker & Gentⁿ:

Althô we are very well Satisfyed in our selves that the Continuing the Precinct Courts will in time be found a burthen to the people, but still, as you seem desirous to have them were are satisfied in the Continuing of them.—— As for taking from the Creditor the advantage of taking out a Writt against the Debtor, we can by no means come into it (being agreeable to the Laws of England, & the Custome of the Plantations on the Continent but if you think both a Writt & a Sum[']ons are an oppression on the people, we readily concurr with you to lay aside the Sum[']ons.

As to the keepers of the Geoals deputed by the Marshall, we agree they shall be approved off by the Judges.

10th March 1726./

Ra: Izard.

On motion of Mr: Eleazer Allen that he might have leave to bring in a bill to prevent persons Swearing off for any Sum' above One hundred pounds. The Question was put thereon.

Carried in the Negative

The following message was order'd to be sent to his Majesties Hon^{ble}: Council

Hon^{ble}: Gentⁿ:

That part of the bill for settling the Courts of Justice, that declares that all free holders shall be Sum'oned, we think of so great an advantage to this Province, so highly reasonable and Justified by the practice of several of the plantations in America that we cannot by any means consent that it should be out of the bill

Tho^s: Broughton Speaker

The above message and the bill for the better settling the Courts of Justice was sent up by Cap^t: Dry & Mr: Cattle

The house adjourn'd till to morrow morning nine of the Clock

Saturday the 11th. day of March 1726.

The house mett according to adjournment

The following message was order'd to be sent to his Majesties Hon^{ble}: Council:

Hon^{ble}: Gentⁿ:

Yesterday morning you receiv'd a message from us desiring you to return to us the bills and Mr: Boon's order lying before you, as we look upon this a matter of very great consequence & agreeable to the usage of Parliaments, we hope you will no longer deferr the sending them down to us, nor give us any room to complain of so great a breach of our Priviledges.

Tho^s: Broughton Speak^r:

Hon^{ble}: Gentⁿ:

This house having consider'd the Report of our Com'ittee appointed to Conferr with the Com'ittee of your house concerning the bills in the Com'iss^{rs}: Chest have agreed to the same we are therefore of opinion that an order of both houses should pass directing the delivery of those bills to Coll^o: Parris & that a Com'ittee of both houses be appointed to burn the old bills in the Com'iss^{rs}: Chest

Tho^s: Broughton Speak^r:

Mr: Sec^{ry}: Hart brought from his Majesties Hon^{ble}: Council the following message.

Mr: Speaker & Gentⁿ:

In answer to your message last night wherein you say that a Sum'ons only is so highly reasonable; We can by no means agree with you in that Opinion, we think that the Credit^r: should have the easiest way, not only to come at, but to secure his debt, we still propose it to you again, that if a Writt & Sum'ons be thought too great a burthen to the people, we are willing to ease them by taking away the Sum'ons & leave it to the Writt only.——

Gentⁿ; We take the design of this bill before us, is to appoint, a person to preside over the Courts, that may see Justice duly administer'd, & that for want of such a person you are sensible the Courts of Justice have been hitherto of little use or benefit to the Province; The Clause for a Sum'ons (which you say you can't by any means consent the bill should pass without) has no relation to the appointing a fitt person to preside in the Courts, & is no essential part of it, we therefore acquaint you that we cannot pass the bill to take away the Writt w^{ch}: if you Still insist on, & any confusion should follow, for want of having the Courts of Justice duly held in the Province, we are satisfied no blame can lye on us; We therefore desire an answer to this message before we proceed to the further reading the said bill.
11th. March 1726.

Ra: Izard.

The following message was order'd to be sent to his Majesties Hon^{ble}: Council.

Hon^{ble}: Gentⁿ:

We are now come near to a Conclusion of this Session of the Generall Assembly, all the affairs before us being dispatched except what you have been pleas'd hitherto to Conceal; We assure you 'tis matter of great Surprize to us that severall resolutions of this house particularly that concerning Judge Trott & some Reports of Com'ttees, that especially concerning the bills in the Com'iss^{rs}: Chest we have yet receiv'd no answer, nor ever to what we have so often & justly prest you to, a Consent to Mr: Boone's order or the returning of it to this house, severall bills which had their rise in this house you likewise detain by some new, & we may venter to say, extraordinary Practice, we are therefore oblig'd to tell you that we expect to have

proper answers to them before we rattyfy the Laws now lying before the Generall Assembly.

Thos: Broughton Speak^r:

May it please y^r: Hon^{rs}:

We have consider'd your message just now receiv'd & do agree that the Sum'on should be left out of the bill & that the process be only by Writt, & we desire you will pass the bill and send it down, that it may be ingrosed.

Thos: Broughton Speak^r:

Sent up by M^r: Rhett & M^r: Buttler.

Resolv'd that the Speaker do write a letter to his Excell^y: Francis Nicholson Esq^r: Govern^r: thanking him for the present he has been pleas'd to send this house

Order'd That the following message be sent to his Hon^r: the Presid^t:

May it please y^r: Hon^r:

We desire that you will be pleas'd as soon as the Act for the settling the Courts of Justice is rattyfied to appoint a proper Gentⁿ: to execute the Office of Cheif Justice that the s^d: Act may be im'ediately put in force.

Thos: Broughton Speaker

M^r: Sec^{ry}: Hart brought from his Majesties Hon^{ble}: Council the following message.

M^r: Speaker & Gentⁿ:

We have just now receiv'd your message by M^r: Rhett & M^r: Buttler wherein you tell us you have dispatched all affairs before you except what you say we have conceald; As we have the honour to sit here as his Majesties Council, this is treating us with so much Indignity that we must desire an explanation of that word before we think our selves obliged to give an answer to any other part of your message.

11th. March 1726.

Ra: Izard

To which the following answer was sent

Hon^{ble}: Gentⁿ:

Our meaning by the word Conceal is that the additional bill to the Election, An Act for establishing a Ferry cross Santee, The bill for preventing large Credit in Taverns, The bill to encourage the return of deserters, The bill for Erecting a New Parish with M^r: Boones order & other Orders and Resolutions were sent up to your Honours & have not been sent down to us

nor any reason given why you did not pass them; this without expatiating on the word, we are of opinion may be called concealing.

Tho^s: Broughton Speaker

Sent up by Cap^t: Fitch and Cap^t: Saunders

The following message was brought from his Majesties Hon^{ble}:: Council

Mr: Speaker & Gentⁿ:

We desire to know what reasons you have given us for not sending us up the Dock Street bill, the County Court bill & the bill for ascertaining the bounds of the severall Parrishes; Bills (thô arising in your house) after once brought up, read & past by us, we look upon, our house has as much a Right to know what is become of them as if originally they had taken their Rise here; we do not look upon our selves to be obliged to give our reasons for Rejecting bills or orders, it being our undoubted Right to pass, or reject them as we think proper. We have sent you down all the bills we have now left before us Rejected & also Mr: Boone's Order rejected, althô we think of Right they ought to remain in the house, where they are rejected.

11th. March 1726.

Ra: Izard

Order'd that the Com'ittee appointed to State the Acc^{ts}: of the Com'iss^{rs}: for stamping the new bills do deliver under their severall Seals unto Coll^o: Allex^r: Parris the Sum' of nine thousand nine hundred forty two pounds in old bills & the Sum' of eighteen hundred fifty five pounds three Shillings and nine pence in new bills taking his receipt for the Same

The Speaker by order of the house sign'd the Treasu^{rs}: books May it please y^r: Hon^r:

The Writt for Electing a Member in the room of Coll^o: Woodward deceased for Port Royall being not return'd we desire that you will be pleas'd to issue another Writt for Electing a Member for that parish, that the Member may attend the service of this house at the next sitting thereof.

Tho^s: Broughton Speaker

Sent up by Mr: Whitaker & Cap^t: Nicholls who were order'd to acquaint the President that the house is ready to Rattifie the severall ingrosed bills.

Mr: Sec^{ry}: Hart brought down from his Majesties Hon^{ble}: Council the following message.

Mr: Speaker & Gentⁿ:

We have taken under consideration your resolutions relating to Mr: Trotts compiling a Collection of the Laws of this Province, we are ready to agree thereto when a Sum' shall be by the Generall Assembly raised to have them printed & not before without which it will prove useless. This Province has allready pay'd for two Collections w^{ch}: having been never com[']itted to the Press have been but of little service. As to the bills in the Com[']iss^{rs}: Chest, remaining after the old bills were exchanged, the L^{ds}: of the Re-gency in Great Britain by their repeal have signified their disapprobation of the stamping & issuing these bills, so that we think it would be a presumption in this board to consent to your proposall of making use of any of the money appropriated by Law to be burnt, to be issued in their room, there being no Law in force in this Province for adding to the present Currency, the s^d: bills remaining in the Com[']iss^{rs}: Chest, & we not thoroughly sattisfied that the whole Sum' of £120,000 is not already issued out.

These are our proper answers (whether you judge them to be so or not) that we shall give you, before we rattifye the Laws now lying before the Generall Assembly.

11th: March. 1726./

Ra: Izard.

INDEX

- Abeca Indians, 61 (3), 62 (2), 145, 146.
- Absent Members summoned, 99.
- Act on Elections, Additional Bill on, 25, 37, 63.
- Act for Regulating the Militia, 37.
- Act to Regulate the Indian Trade, 37, 146; An Additional Bill amending the, 142, 154, 158.
- Act to Levy a Duty on Negroes, Liquors and other Goods, 37.
- Act to Raise Funds for an Armory, 37.
- Act to Encourage the Killing of Beasts of Prey, 37. (See Bill.)
- Act for Encouraging White Settlers to come into the Province, 43 (2), 44, 97, 119, 143; Commissioners to put in Force an, 97. (See Bill.)
- Act for Tanning Leather, 44.
- Act Against Killing Unmarked Cattle, 44.
- Act to Revive Acts as to Tanning and as to Killing Unmarked Cattle, 44.
- Act for Authorizing the General Court in Charles City and Port to Exercise the Powers Allowed to County and Precinct Courts, 47.
- Act for Appointing a Public Treasurer and Other Public Officers, 89, 93.
- Act for Reprinting the Current Paper Bills of Credit, 131.
- Act for Keeping and Maintaining a Watch in Charles Town, An Additional Bill to an, 157 (2), 159, 160, 161, 163.
- Act for the Trial of Small and Mean Causes, Bill amending, 165, 166, 168.
- Act for the Settling of the Courts of Justice, 173. (See Bill.)
- Act for Establishing a Ferry across Santee, 173.
- Adjournment, 128, 169 (2), 170 (2).
- Admiralty Board, 89.
- Affidavits, 24, 40.
- Agent of the Province in Great Britain, 38, 59, 72, 123, 124, 128, 149, 165, 166 (2), 168. (See Yonge, Francis.)
- Agents, Indian, 4, 5, 7 (2), 40, 98, 145, 147-148.
- Akin, Capt. James, 13, 26, 128, 142, 165, 166.
- Allein, Richard, 116 (3), 117 (Allen), 118 (2), 121 (2), 122.
- Allen, Andrew, 23, 29, 76, 79.
- Allen, Eleazer, 49, 52, 54, 57, 60 (2), 62, 71, 72, 81, 82, 83, 86, 88, 91, 96, 98, 99, 100, 125, 128 (4), 129 (4), 139, 147, 153, 157, 161, 165, 168, 170, 171.
- Altamaha, Fort on the, 81, 96 (2), 100, 102, 152. (See King George, Fort.)
- America, His Majesty's Plantations in 93, 94 (2), 171.
- Ammunition, 15 (4), 19, 46, 76, 78, 100, 101, 153, 162.
- Apprentices, 12.
- Archdale Square, Charles Town, 29.
- Armory, 13, 19, 37, 42, 66, 95, 97, 101 (3).
- Arms, 19, 35, 37, 75-76, 78, 100, 101, 102, 153, 162; To be taken to Church, 69.
- Arrest, Protection from, 13.
- Ashby, John, 30, 43, 48 (2), 50, 75, 84, 86, 87, 116, 143, 149, 158, 160, 163, 165.
- Ashley River, 29 (3); Petition of the Inhabitants on the South Side of, 140.
- Assistant Judges, 36, 37, 47.
- Attorney General, 23, 56, 89.
- Attorneys, 47, 67.
- Axes, 148.
- Ballast, 69, 77 (2).
- Banbury, —, 120 (3).

- Barker, Joseph, 41, 42.
 Barksdale, John, 21, 22 (2), 23 (3), 24 (2).
 Baronies, 11.
 Barton, Thomas, 3, 4, 5 (2), 8 (2), 14, 33, 36, 40, 50, 88, 106, 108, 112, 128 (2), 129 (4), 143, 151, 157, 166.
 Beasts of Prey 37, 63, 65, 72 (2), 73, 85, 87, 91.
 Beaufort, Fort at, 77, 80.
 Bee, John, 24.
 Berkeley County, 30, 33.
 Biggin Creek, 72; Bill to Cut and Clear, 86, 91, 93, 95, 99.
 Bill to Regulate Election of Members, 13, 25, 26, 33, 173.
 Bill to raise taxes, 8, 33, 143, 157, 161 (2), 162.
 Bill to Issue Money, 13, 32-33, 39, 51.
 Bill respecting Lots on Dock Street, Charles Town, 22, 29, 144, 174.
 Bill for Founding and Erecting a Free School at Dorchester, 30, 33.
 Bill to Ascertain the Course of North Street, Charles Town, 37, 38.
 Bill to Prohibit the Falling of Trees into Rivers and Creeks, 41.
 Bill to Prevent a Government Employee from Sitting as a Member of the Commons House, 42, 166 (2).
 Bill to Preserve the Navigation and Fishery in the several Rivers and Creeks of the Province, 59, 63, 64, 65, 72 (2), 73, 85, 87, 91.
 Bill to Prevent Keepers of Public Houses from Trusting Loose and Idle Person, 59, 92, 99, 116-117, 173.
 Bill to Encourage the Killing and Destroying Beasts of Prey, 63, 65, 72 (2), 73, 85, 87, 91.
 Bill to Revise and Continue several Laws therein Mentioned, 63, 64, 73, 85, 87, 91, 92, 94.
 Bill to Encourage the Return of Deserters from the Province, 68, 92, 94, 95, 97, 165 (2), 166 (2), 173.
 Bill to Regulate the Practice of Law, 69, 154, 158.
 Bill to Direct the Revision of the Marshal's Proceedings, 69, 154, 158.
 Bill to Regulate Surveyors, 69.
 Bill to Regulate Patroles, 73.
 Bill respecting Ballast, 77.
 Bill for Settling a Salary on the Chief Justice, 83.
 Bill to Cut and Clear Biggin Creek in St. John's Parish, Berkeley, 72, 86, 91, 93, 95, 99.
 Bill to Secure the Province against Negro Insurrections, 92, 94, 95, 96, 116, 153, 163, 164, 165, 166.
 Bill to Establish a Ferry on Ponpon River at John Godfrey's Landing, 96, 141, 142, 154, 157 (2), 159, 160.
 Bill for a Circuit or Itinerant Judge, 98, 162.
 Bill to prevent Contentious and Vexatious Prosecutions, 99, 159.
 Bill to Encourage the Circulation of Gold and Silver, 99.
 Bill to Regulate Courts, 124, 125, 130 (4), 145, 154, 162 (2), 164 (2), 165, 167, 168, 170, 171, 172.
 Bill for the more Effectual Establishing of County Courts, 154, 156 (2), 159, 160, 161 (2), 167, 174.
 Bill to Prevent Desertion of White Servants, 130, 154, 158, 162.
 Bill to Settle the Differences between the Parishes of St. Philip's, St. Andrew's and St. James's, Goose Creek, 139, 145 (2).
 Bill to Build a Parsonage for St. Philip's Parish, 139.
 Bill for Making a Road between the North and South branches of Stono River, 142, 154, 158, 160-161, 161.
 Bill for Ascertaining the Boundaries of the Parishes, 144, 145, 163, 170, 174.
 Bill to Empower Commissioners to Lay out and keep in Repair a

- Road from Westo Savannah to Ponpon Road, 154, 158, 161, 162 (2), 163 (2).
- Bill to amend An Act for Keeping and Maintaining a Watch in Charles Town, 157 (2), 159, 160, 161, 162.
- Bill Amending the Act for Trial of Small and Mean Causes, 165, 166, 168.
- Bill for Appointing an Agent of the Province in London, 166 (2), 168.
- Bill for Erecting a new Parish, 141 (2), 148, 173.
- Bills of Credit, 4, 7, 8, 13, 23 (2), 32, 38, 39, 49, 50 (3), 51, 52 (2), 54, 55, 56, 68, 74, 84, 85, 86, 99, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 131, 132, 133, 134, 135, 136, 137, 138 (2), 148, 149, 150, 151, 154, 155, 157, 163, 168, 174, 175. (See Currency, Money, Paper Money.)
- Black River, 16, 27.
- Bohannon, Mrs., 90.
- Boisgard, Matheurin, 29.
- Bond, Capt. Jacob, 13, 14, 15, 19, 20, 23, 34 (2), 35, 44, 49, 50, 51, 52, 57 (2), 58, 84 (2), 98, 115, 117 (2), 123, 148.
- Bonds, 68.
- Boone, Joseph, 120, 149 (3), 155, 168, 171, 172, 173, 174.
- Bordier, Theophilus, 156; Memorial of, 85, 86, 88, 125, 126 (5), 127 (2), 143.
- Brailsford, —, 121.
- Brass money, 163, 165 (2).
- Brewton, Col. Miles (Michael), Powder Receiver, 28, 42, 64 (2).
- Bridles, 9.
- Bristol, England, 30, 31, 32.
- Broad Street, Charles Town, 29 (3).
- Broughton, Capt. Nathaniel, 45, 141.
- Broughton, Thomas, Speaker, 3, 5 (2), 6, 7 (2), 8, 12, 13, 14, 15 (2), 18 (2), 19, 20, 21, 24, 26, 30, 33, 34, 36 (3), 38, 39 (2), 42, 43, 45, 48, 49, 50 (2), 51, 52, 53, 55, 56, 57, 58 (2), 60, 62, 64, 71, 73 (2), 75, 81 (2), 82, 83, 84, 85, 86, 87, 89, 90, 92, 93, 98, 115, 117, 125 (2), 127 (2), 130, 138, 144, 149 (2), 155, 158, 160, 162, 163, 165, 168 (2), 169 (2), 170, 171 (3), 173 (3), 174 (2); Illness of, 48.
- Brown, John, Messenger of the House, 116 (2), 117, 120, 121 (2), 122 (2), 141.
- Brown, Thomas, 21, 22 (2).
- Bryan, Hugh, 40.
- Bull, Col. William, Member of H. M. Council, 8, 60, 86, 99.
- Bulletts, 15 (3), 46, 101.
- Burdeners (Indian), 145.
- Burnett, His Excellency William, Governor of New York, 10.
- Butler, Capt. Hugh, 99, 117, 138, 143 (2), 170, 173 (2).
- Campbell, Henry, 122 (2).
- Cape Fear Indians, 14, 58.
- Capers, Thomas, 29.
- Capstick, —, 119.
- Catawba Indians, 25 (2), 26, 42, 43, 144, 152.
- Cattell, William, 45, 94, 117, 171.
- Cattle, 44.
- Chairman, 58, 71, 82, 98, 128 (3), 143.
- Chambers, Joseph, 146 (3).
- Charles City and Port, 47.
- Charles Town, 12, 13, 22, 23, 29, 35 (2), 36, 37 (3), 42, 43, 60, 64, 75, 107, 108, 118, 157; Militia companies of, 35 (2); Fortifications of, 58, 75-77, 79, 162; Commissioners of, 73, 82; General Court of, 47, 65 (2), 67; County Court of, 67, 161; Watch in, 157 (2), 159, 160, 161, 162, 163; Memorial of merchants of respecting County Courts, 161.
- Charles Town Judges, 46 (2), 65, 66; Representation of, 69-70.
- Cherokee Indians, 4, 6, 7, 34 (5), 35 (5), 36, 39, 42 (2), 43, 45 (2), 46 (3), 49 (2), 50, 59 (2), 60

- (2), 61 (2), 62 (4), 63, 64, 66, 81, 82 (2), 90 (2), 96, 102, 148;
Talk for the, 61-62.
- Cherokee Nation, 7, 18.
- Cherokeeleechee (?) Indians, 74.
- Chester, John, 6, 7, 8, 41, 42 (2), 43, 144.
- Chicken, Col. George, 4, 5, 6, 7, 34 (5), 35, 42, 45, 62, 81 (2), 109, 132, 141, 142, 143, 154; Journal of, 41 (2).
- Chickesaw Indians, 61.
- Chief Justice, 11, 36, 37, 47, 65 (2), 66, 67, 91, 169, 173; Salary of, 83. (See Hepworth, Thomas.)
- Chigillie (Indian Chief), 46, 61.
- Choctaw Indians, 145, 146.
- Church, Law requiring taking Arms to, 69; Duties applied to the, 139.
- Circuit Courts, 67, 87, 88-89; Judge of the, 98.
- Cleland, Dr. William, 38, 40.
- Clerk of the Crown, 46.
- Clerk of the House, 4, 9, 12, 13, 71, 166.
- Clinch, —, 120.
- Cocoa, 16, 27
- Collector of His Majesty's Customs, 9.
- Colleton County, 161.
- Commissioner of Indian Affairs, 37, 158.
- Comissioners to Exchange Old Bills, 23, 102, 103 (3), 104, 105, 106 (2), 107, 108-109, 110 (2), 111, 112 (3), 115 (2), 116 (2), 130, 131 (3), 132, 133, 134 (3), 135 (3), 136 (4), 137 (4), 138, 149 (2), 150 (6), 151 (5), 155, 157, 168, 169, 170 (2), 171 (2), 172 (2); Accounts of the, 154, 155 (2), 157 (2), 174, 175 (2).
- Commissioners of High Roads of Prince George's, Winyah, 18, 97; of High Roads of Charles Town, 82 (2).
- Commissioners to lay out a Road from Westo Savannah to Ponpon Road, 145.
- Commissioners for Building an Armory, 66, 95.
- Commissioners to put in Force the Act to Encourage new Settlers, 97.
- Committee of Grievances, 4, 5, 21, 24, 31, 37, 45, 46 (3), 65, 66 (2), 70, 71 (2), 83, 87, 88, 91, 98, 118 (3), 124 (2), 130, 166.
- Committee on Petitions and Accounts, 4, 9, 10, 18, 24, 33, 38, 42, 44, 62, 71 (2), 72 (2), 86, 90, 96, 97, 99, 100 (2), 102, 115, 117 (2), 118, 123 (2), 124, 138, 139, 140 (2), 141 (2), 142 (2), 147, 148 (2), 152, 163, 170.
- Committee on the Lords Proprietors's Petition, 8 (3), 10-12, 13, 14.
- Committee to Audit Treasurer's Accounts, 4, 7, 8 (2), 125.
- Committee to Examine the Commissioners on Exchanging Bills, 4, 7, 8, 23, 130, 131, 132.
- Committee to Prepare a Bill to Issue Money, 13, 23, 32-33, 49, 50.
- Committee on Indian Affairs, 5, 7, 10, 16, 24, 26 (2), 38, 45-46, 46, 60 (4), 63-64, 74 (2), 81, 83 (2), 84.
- Committee to Inspect Acts for Government of White Servants, 12, 21, 26, 30.
- Committee on a Bill for Regulating the Election of Members of the House, 13.
- Committee on Proposals of Nicholas Trott, 14.
- Committee to Find What Encouragement is Given for the Planting and Making of Hemp, 18.
- Committee to Raise Funds for Supporting the five Garrisons, 26.
- Committee to Audit the Powder Receiver's Accounts, 28 (2).
- Committee on Expiring or Expired Laws, 37, 44.
- Committee to Inspect Act as to Insolvent Debtors, 44.
- Committee to View the Magazine, 64 (2); Report of, 64.

- Committee on Magazine and Armory, 42, 97, 100.
- Committee on Fortifications of Charles Town, 75.
- Committee on the Swiss Settlers, 88.
- Committee on Petition of Leay and Crawford, 95 (2).
- Committee to Examine into Mr. Eveleigh's Allegations as to Capt. Fitch, 98, 99.
- Committee to Investigate the Conduct of Thomas Morritt, School Master, 153, 160, 168.
- Conferences, 116.
- Congarees, The (a section of country about the fort which was nearly opposite the site where Columbia was established in 1786), 42 (2).
- Contempt, 22 (2), 142.
- Convicts, 30, 31, 32, 167.
- Conyers, —, 119.
- Cooper, Dr., 76, 80.
- Coosawhatchie, 16, 27.
- Corbiness, Dr., 119.
- Corn, 7, 61, 148 (2).
- Coroners, Fees of, 148.
- Coulliette, Lawrence, Clerk of the Court of Pleas, 47.
- Council (His Majesty's for South Carolina), 3 (2), 6, 7 (2), 8, 12, 19, 20 (6), 23 (2), 25, 30 (2), 31, 32, 33 (3), 34, 35, 36, 37 (3), 38 (4), 39, 41 (4), 42, 44, 45, 47, 49, 50, 52, 57, 59, 60 (2), 63, 64, 73 (2), 74, 81, 84, 87, 89, 91 (3), 94 (2), 95 (5), 97, 102 (2), 108, 109 (2), 115, 116, 117 (2), 118, 127, 138, 139, 142 (2), 143, 144 (2), 145, 149, 154 (7), 155 (2), 156 (2), 157, 158, 159 (3), 160 (2), 161 (5), 162, 163 (3), 164, 165 (3), 167 (6), 168 (4), 169 (3), 170 (2), 173; Messages to, 39, 42, 52-53, 54-55, 55-56, 57, 58, 72-73, 84 (2), 84-85, 92, 98, 115, 117, 127 (2), 130, 149, 155-156, 160, 163, 164, 164-165, 167-168, 168, 169 (2), 170, 171 (3), 172-173; Messages from, 51-52, 53-54, 54, 56-57, 57, 66, 92, 95-96, 97, 116-117, 117-118, 143, 145, 153-154, 156 (2), 157, 158, 158-159, 160, 163, 164, 169, 170, 173, 174, 175; Clerk of, 139.
- Council Chamber, 44, 57, 63.
- Counterfeits, 103, 105, 106, 137.
- County Courts, 67 (3), 69, 70; Act on, 47; Bill for the more Effectual Establishing of, 154, 156 (2), 160, 161 (2), 167; Colleton, Craven and Granville counties reject, 161.
- Courts, 23, 36, 37, 45, 46 (2), 47 (2), 62, 65, 67 (3), 68, 69, 87, 88-89, 127, 156 (2), 160, 162, 164, 167 (2), 170; Rules of, 121, 122; Bill for Regulation of, 124, 125, 130, 138 (2), 145, 170, 171 (2), 172, 173. (See Act.)
- Covenant, Action of, 116, 117.
- Craven, Governor Charles, Battle with Indians by, 16, 27.
- Craven County, 161.
- Craven's Bastion, 64, 76 (4), 77, 80.
- Crawford, Samuel, 94, 95 (3), 96.
- Creditors, 59, 68, 92, 99, 170, 172.
- Creek Indians, 4, 15 (2), 34 (5), 35 (5), 36, 39, 40, 41, 43, 45, 46 (2), 49, 59, 60 (2), 61 (2), 62 (5), 66, 82, 83, 84, 90, 98, 140, 145 (2), 147 (3), 148, 152; Upper, 59 (2), 146 (2); Lower, 59 (2), 61 (3), 65, 73, 74, 81, 82, 146 (3).
- Croft, Abraham, 121 (3), 122.
- Croft, Childermass, 121 (2), 122 (2).
- Currency, 4, 7, 8, 13 (2), 23 (2), 32, 38, 49, 50 (3), 51, 52 (2), 54, 55, 56, 68, 74, 84, 85, 86, 99, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 131, 132, 133, 134, 134, 136, 137, 138 (2), 148, 149, 150, 151, 154, 155, 157, 163, 168, 174, 175. (See Bills of Credit, Money, Paper Money.)
- Cussoe Indians, 39, 45.
- Cyprus planks, 79.

- Daho Lake, 144.
 Dandridge, —, 120 (3).
 DeLaConseillere, Benjamin, 8, 38, 108;
 Affidavit of, 108-109.
 Dean, Brailsford &, 121.
 Dean, Thomas, 146.
 Debtors, 44, 68 (2), 92, 94, 97, 170.
 Defense, 39, 56, 58, 75-77, 78-80, 81,
 84, 85, 87.
 Delagal, Ensign, 153.
 Deputy Secretary of the Province, 124.
 Devonshire, Duke of, 25.
 Dicks, Daniel, 146.
 Dock Street, Charles Town, 22, 29
 (8), 144, 174.
 Donovan, —, 120.
 Dorchester, 30, 33.
 Drake, Col. Jonathan, 4.
 Drake, William, 70, 71.
 Dry, Capt. William, 3, 4, 5, 6, 12,
 13, 14 (2), 16, 18, 19 (3), 20, 21,
 24, 25, 26 (2), 30, 31, 40, 43, 46,
 49, 60, 75, 83, 84 (3), 88, 94, 98
 (2), 101, 103 (3), 106, 107 (6),
 108 (3), 109 (5), 110 (2), 115,
 118, 124, 130, 138, 145, 148 (2),
 150 (3), 151, 160, 162 (2), 163
 (3), 166, 167, 169, 171; Answer
 of, 131-137, 155, 157; Memorandum
 of, 137-138.
 Durham, Major David, 8, 9, 15.
 Duties, 27 (2), 74, 136, 154, 156;
 Church, 139.
 Dymes, —, 119.
 Dymes against Ness, 47.

 Edisto River, 16, 27.
 Elections, 13, 71, 174; Act on, 25, 26,
 33, 37, 63, 92 (2), 174.
 Ellery, Mr., 21.
 Elliott, William, 120, 121.
 England, 10, 70, 87, 93, 124, 128, 141,
 152; Laws of, 170.
 English, 62.
 Estimate, 59, 77, 78, 98 (2), 99, 130,
 138, 153 (3), 155, 156 (2), 158
 (2), 160.
 Etiwan Indians, 100, 101.
 Europe, 97, 156.

 European goods, 37.
 Evans, Rowland, 140.
 Eveleigh, Samuel, 3, 8, 10, 15 (4),
 26, 32, 33, 43, 60 (2), 71, 82, 84,
 129, 143, 146, 152, 160; Charges
 against Capt. Fitch by, 98, 99.
 Eveleigh & Hill, 122 (2).
 Exchange, 123, 128.
 Executions, 68.
 Expeditions, 41, 74 (2), 81.
 Expresses, 8, 152.
 Expunge, 65.
 Eyre, Kingsmill, 123.

 Farr, —, 120 (2), 121 (2).
 Fees, 23, 24, 98, 121, 141, 142, 148.
 Fenwicke, Col. John, 13 (2), 19 (2),
 20, 23 (2), 26, 31 (2), 38, 41, 45,
 49, 54, 58, 66, 72, 74, 98, 99, 129
 (3), 142, 143, 144 (2), 153, 154,
 157, 158; Assistant Judge, 36.
 Ferries, 35, 141, 142, 144 (2), 154, 157
 (2), 159.
 Fines, 127.
 Fitch, Mrs. Susannah, 147.
 Fitch, Capt. Tobias, 4, 5, 15 (2), 34
 (3), 35, 40, 41, 46, 49, 62, 64 (2),
 66, 71, 73, 84 (3), 87 (2),
 102, 115, 144, 146 (8), 152, 165,
 170, 174; Journals of, 41 (2),
 42; Charges against, 98, 99, 145-
 147; Accounts of, 147-148, 148.
 Fort Johnson, 58 (Johnston's Fort),
 75, 77 (2), 78-79, 80, 162.
 Fort King George (fort on the Alta-
 maha), 81, 85, 127, 138, 152 (2),
 153 (2), 154 (3), 156.
 Fort Moore, 15, 51, 53.
 Fortifications, 55, 58, 62, 63, 74, 75-77,
 83, 85, 86, 154, 155, 162.
 Forts, 77; New, 16, 26, 27, 28, 77 (3);
 Servants to be purchased for, 17.
 Francis, John, 146 (2).
 Franks, Dr. Charles, 38, 40.
 Free Schools, 30, 33, 156, 158, 159,
 168, 169 (2); Usher of the, 159.
 Freeholders, 68, 167, 171.

- Gadsden, Thomas, Collector of His Majesty's Customs, 9, 17, 41, 42.
- Garrisons, 16 (2), 17, 26 (2), 27 (3), 31, 37, 49, 51, 58, 77, 80, 81, 87, 88, 96 (2), 97, 100, 102, 125 (2), 138, 139 (3), 152 (2), 154, 155, 166.
- Gendron, John, 118 (2).
- General Court, 36, 65 (2), 70.
- General Muster, 109, 132.
- Geneva, Switzerland, 126.
- Gibbes, Henry, Petition of, 60, 62.
- Gibbon, Mr., 113.
- Gignilliat, Henry, 40.
- Gilbert, King (Indian), 44 (2).
- Glover, Charles Worth, 145, 146 (2).
- Godfrey, Benjamin, 113 (3).
- Godfrey, John, 141, 142, 157 (2), 159, 160; Landing of, 141, 142, 157 (2), 159, 160.
- Godin, Mr., 143.
- Godin, Benjamin, 38, 126.
- Godin, Stephen, 126.
- Gold, 99.
- Goose Creek Bridge, 34.
- Goose Creek Company of militia, 34.
- Governnor (of South Carolina), 6 (2), 10, 150, 173; Provisional, 11.
- Grand Jury, 68.
- Granville County, 161.
- Granville's Bastion, 75 (2), 76 (2), 79.
- Great Britain, 5 (2), 14 (2), 38, 52, 55, 124, 126, 163 (2), 165 (2), 166 (2), 168, 175; Imperial Crown of, 92; Lords of the Regency of, 175.
- Great guns, 35 (2).
- Green, Capt. Daniel, 128, 129 (4).
- Grievances, 4, 5, 21, 24, 31, 37, 45, 46 (3), 65, 66 (2), 67, 68, 70.
- Guard House, Charles Town, 75.
- Guns, 45, 46, 76, 77, 79, 100, 101, 144.
- Gunsmith, 101, 102.
- Haden, Thomas, 118, 119 (2).
- Hale, John, 48.
- Half Moon Battery, Charles Town, 76, 79.
- Hall, Col. Arthur, 3, 4, 6, 33 (2), 48 (2), 58, 84, 98, 101, 165.
- Hammerton, William, 140.
- Hancock's Charles Town, 78.
- Harden, William, 21 (2).
- Hargrave, Henry, Deputy Secretary of the Province, 118, 124, 139.
- Hart, Charles, Secretary of the Province, 4 (2), 5, 8, 10, 12, 13, 14, 15, 19, 20, 25, 30, 31, 33, 35 (2), 38 (2), 41 (2), 43, 44, 48, 49, 50, 51 (2), 53, 54, 56, 57, 59, 60 (2), 63 (3), 65, 70, 73, 81, 83, 85, 86, 87, 88, 89, 90 (2), 91, 92, 93, 94, 95 (3), 96 (2), 97, 99, 116, 117, 118, 127, 128, 143, 144, 145, 148, 149, 152, 153 (2), 156, 157, 158 (3), 159, 160 (3), 161, 163 (2), 164, 165, 166, 169, 172, 173, 174.
- Harvey, Maurice, Provost Marshal, 23, 24 (4), 118 (4), 119 (8), 120 (8), 121 (5), 124.
- Hastings, Col. Theophilus, 35; Petition of, 38, 72.
- Hearne, John, 16, 27.
- Hemp, 9, 17, 18.
- Henry VIII, King, Act in the 27th Year of, 90, 93.
- Hepworth, Major Thomas, 3 (2), 4, 9, 26, 36, 50, 58, 100, 103 (3), 108, 109 (3), 110 (3), 113 (3), 114, 122 (2), 128 (3), 129 (3), 131, 133, 134 (2), 135, 138, 141 (3), 143, 149, 154, 157; Chief Justice, 36, 65, 66; Answer of, 149-151, 155, 157.
- Herbert, Col. John, 4, 5 (2), 37, 58, 84, 98, 148 (2).
- Hext, Major Alexander, 50, 57, 63.
- Heyward, Capt. Thomas, 3, 32, 64, 66, 73, 75, 92, 125, 143, 157, 163, 170.
- High Roads, Commissioners of, 18.
- Hill, Charles, 36 (2), 43 (2).
- Hobihatchee, or Oboyhatchee (Creek Chief), 59, 61 (2).
- Hoes, 148.
- Holland, 60, 125, 126 (2).
- Horses, 8, 9, 115, 140, 145, 146 (4).

- Houser, Henry, 23, 103 (3), 104 (3), 105, 106 (3), 107 (8), 108 (7), 109 (5), 110 (3), 113 (2), 116, 131, 133 (2), 134 (2), 135, 136, 150 (4), 151.
- Hume, Robert, 3, 20, 28, 29 (2), 32 (2), 37, 38, 40 (3), 64, 65, 71, 97, 100, 120, 121, 122, 127, 128 (3), 129 (4), 139, 141, 153, 168; Affidavit of, 107-108.
- Hunting, 61.
- Hutchinson, Dr., 166.
- Idle persons, 59, 92.
- Indented servant, 119.
- Independent Company, H. M., 102, 127, 138.
- Indian Affairs, 4, 5 (2), 7, 10, 16, 24, 26 (3), 36, 41 (2), 45-46, 46 (2), 55, 60 (4), 63, 64, 73, 74, 81, 83 (2), 84; Commissioner of, 37.
- Indian Agents, 4, 5, 7 (2), 40, 98, 145.
- Indian Trade, 61, 98; Essay on, 5; Acts to Regulate the, 37, 142, 144, 154, 158.
- Indian Traders, 40, 145 (2), 146.
- Indians, 3, 4, 6, 14 (2), 15 (4), 16 (2), 17 (2), 18, 19, 20, 21, 25 (2), 26, 27 (3), 28, 34 (2), 39, 40, 41 (2), 42 (2), 43, 44, 45, 46, 49 (3), 58, 59, 61, 62, 63, 65, 73, 74, 82, 86, 90, 100, 101, 102 (2), 144, 145, 146, 148 (5), 152; Friendly, 3, 4, 7, 14, 15, 18, 19 (2), 25, 42, 43, 61, 90; Presents to, 35, 45, 147; Maintenance of, 147; Proclamation prohibiting the buying of, 90.
- Information, Prosecuting by, 68.
- Insolvent Debtors, 44, 119.
- Instructions, 11, 52, 70, 147.
- Insurrections, 92, 94, 95, 96, 116, 163.
- Interpreters, 102, 147, 152.
- Invalids, 127.
- Ioor's Fort, or Bastion, 75, 76.
- Ireland, 127.
- Izard, Ralph, 38, 52, 54 (2), 27, 57 (2), 66, 92, 94, 96, 99, 117, 118, 136, 138, 145, 154, 156 (2), 158, 159, 160, 163, 164, 169, 170, 172, 173, 174, 175.
- Izard, Capt. Walter, 9, 13, 45, 72, 98, 118, 145, 162.
- Jails, 170.
- Johnson's Fort (Fort Johnson), 58, 75, 77 (2), 78-79, 80, 162.
- Judges, 36, 37, 38, 40, 45, 46, 67, 69, 70, 89, 90, 91, 92, 93, 98, 162, 170.
- Jurisdiction, 67.
- Justices of the Peace, 68.
- King George, Fort (on the Altamaha), 81, 85, 127, 138, 152, 153 (2), 154 (3), 156.
- King Gilbert (Indian), 44 (2).
- King's soldiers, 81.
- Lane, Thomas, Petition of, 127.
- Law, Bill to Regulate the Practice of, 69.
- Lawrence, James, 44.
- Lawrence, John, 140 (2).
- Laws of the Province, Trott's Collection of the, 6, 14 (3), 167 (2), 172, 175.
- Lawyers excluded on Judicial Debate, 65.
- Leather, 44.
- Leay, John, and Samuel Crawford, 94, 95 (3), 96.
- Linguist, 145.
- Liquors, Duty on, 37.
- Lloyd, John, 3 (2), 8 (2), 9, 10, 13, 23, 26, 31 (2), 32, 33, 52 (2), 53, 57, 71, 162.
- Lloyd, Capt. Thomas, 100, 101 (3), 102.
- Lloyd's Bridge (Wharf), 75, 76.
- Long Warrior of Tunnissee, Presents for, 45, 46.
- Lords of the Regency, 175.
- Lords Proprietors, 73; Petition of the, 6, 8 (2), 10-12, 12, 14.
- Mackfarland, Mr., 69.
- Magazine, 19, 28 (3), 42, 66, 78, 153; Committee to View the, 64.

- Massey, Benjamin, 134, 148 (2), 150; Account of, 33.
- Massey, Capt. Edward, 49 (2), 80, 81, 96 (3), 102, 127, 138, 153; Memorial of, 90.
- Massey, Joseph, 103 (2), 140 (2).
- Mayrant, James Nicholas, 8, 9, 13, 15, 33, 35, 87, 117, 128, 142, 148, 160, 162, 166.
- McCloughlin, Darby, 145.
- McFarland, Daniel, 9.
- McIntosh, —, 146.
- McNobney, —, 90 (2).
- Meede, —, 119, 122 (2).
- Messages to the President, 3, 5 (2), 6, 7 (2), 8, 9, 12, 12-13, 14, 15 (2), 18 (2), 19, 20, 24, 25-26, 30, 33, 34, 35-36, 36, 38, 39, 42, 43 (3), 48, 48-49, 49-50, 50, 58, 62, 64, 71, 73, 74-75, 81 (2), 81-82, 83, 87, 88, 89, 90, 92-93, 124-125, 144, 152, 154-155, 162; to H. M. Council, 38, 42, 51-52, 52-53, 53, 54-55, 55-56, 57, 58, 60, 72-73, 84 (2), 84-85, 86, 92, 98, 115, 127, 130, 149, 155-156, 158, 160, 163, 164, 164-165, 167-168, 168, 169 (2), 170, 171 (3), 172-173, 173 (2), 173-174; from the President, 4, 5-6, 8, 13, 15, 19-20, 20, 21, 31, 33-34, 35, 43 (2), 44 (2), 50, 51, 51-52, 59, 60, 63, 65-66, 66, 85, 91, 93-94, 124, 128, 138, 149, 152, 166; from H. M. Council, 38, 51-52, 56-57, 66, 86, 92, 94, 95-96, 97, 116-117, 125, 127-128, 143, 145, 153-154, 156 (2), 157, 158, 158-159, 160, 163, 164, 170, 172, 173, 174, 175.
- Messenger of the House, 9, 24, 40 (2), 41, 47, 116 (2), 118, 141 (2), 142. (See Brown, John.)
- Middleton, Arthur, President of His Majesty's Council for South Carolina, 4, 6, 8, 13, 15, 20 (2), 31, 34, 35, 43 (2), 44 (2), 48, 49, 50, 51, 60 (2), 63, 66 (2), 81, 85, 87, 89, 91, 94, 99, 124, 128 (2), 149, 152, 153, 166.
- Militia, 34, 35; Act for Regulation of the, 37.
- Mississippi Company, The, Colours of, 101.
- Molasses, 16, 27.
- Money, 4, 7, 8, 13, 23 (2), 32-33, 38, 49, 50 (3), 51, 52 (2), 54, 55, 56, 68, 74, 84, 85, 86, 99, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 131, 132, 133, 134, 135, 136, 137, 138, 148, 149, 150, 151, 154, 155, 157, 163, 168, 174, 175; Brass, 163, 165 (2). (See Bills of Credit, Paper Money, Currency.)
- Moore, Fort, 15, 51, 53.
- Moore, Col. Maurice, 4.
- Moore, Roger, 63, 74, 99, 115, 117 (2), 121, 136, 139, 143 (2).
- Morritt, Rev. Thomas, 153, 160, 168; Answer of, 168.
- Morton, John, 87, 115 (2), 116; Petition of, 60.
- Moulton, John, 40, 41, 47 (3), 140.
- Murders, 25, 26, 39, 42, 43.
- Muscovado Sugar, 16, 27.
- Nails, 16.
- Navigation and Fishing, 59, 63, 64, 69, 72 (2), 85, 91.
- Negroes, 16, 24, 27, 79, 121, 147; Duty on, 37; Bill to Prevent Insurrections of, 92, 95, 96, 116, 153, 163.
- Ness, John, 40 (3), 118 (2), 119 (7), 120 (5), 121 (2).
- Ness, Dymes against, 47.
- New England, 107, 109, 110.
- New York, Governor of, 3, 7 (3), 10.
- Newcastle, Duke of, 25.
- Nicholls, Capt. Henry, 18, 24, 33, 38, 45, 51, 52, 53, 58 (2), 64, 138, 155, 157, 161, 174.
- Nicholson, His Excellency Francis, Governor of South Carolina, 6, 124 (2), 140, 141, 149 (2), 173.
- North (Meeting) Street, Charles Town, 29, 37, 38.

- Oads, Nathaniel, 119.
 Oath, 67, 103, 131, 160.
 Oboyhatchee, or Hobihatchee (Creek Chief), 59, 61 (2).
 Omer, Capt., 85, 117, 125 (2).
 Ords, Dr., 148.
- Paint (Indian), 145.
 Palatinate, Proposal for settlers from the, 36, 43.
 Pallachucola Garrison, 16, 17, 27, 49, 88, 97 (2), 138, 139 (2), 166.
 Pallachucola old towns, 61 (2).
 Palmer, Col. John, 9, 20, 21, 40, 42, 82, 101, 162.
 Paper Money, 4, 7, 8, 13, 23 (2), 32-33, 38, 49, 50 (3), 51, 52 (2), 54, 55, 56, 68, 74, 84, 85, 86, 99, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 131, 132, 133, 134, 135, 136, 137, 138, 148, 149, 150, 151, 154, 155, 156, 163, 168, 174, 175. (See Bills of Credit, Currency, Money.)
 Parish, Proposed new, 141 (2), 148.
 Parishes, Bill to Ascertain Boundaries of the, 144, 145, 163, 170, 174.
 Parker, John, 117, 169.
 Parris, Alexander, Public Treasurer of South Carolina, 7, 31, 32, 42, 84, 100, 101 (2), 102, 104, 105 (4), 106 (2), 108, 114, 115, 135 (4), 142, 151 (3), 155 (2), 156, 165, 171, 174; Assistant Judge, 36, 66; House of, 57 (2), 76. (See Public Treasurer, Treasurer.)
 Peedee Indians, 25.
 Periaugers, 58, 77, 80.
 Petitions to the King, 23 (2), 25, 165.
 Petitions and Accounts, Committee on, 4, 9, 10, 18, 24, 33, 38, 42, 44, 62, 71 (2), 72 (2), 86, 90, 96, 97, 99, 100 (2), 102, 115, 117 (2), 118, 123 (2), 124, 138, 139, 140 (2), 141 (2), 142 (2), 147, 148 (2), 152, 163, 170.
 Peyre, David, 118.
 Pickring, Samuel, Account of, 72, 148.
 Poinsett, Mr., 107.
 Ponpon Ferry, 97.
 Ponpon River (Edisto), 141, 142, 157 (2), 159, 160; Petition of the Inhabitants on the West Side of, 95, 96; Rangers on, 139 (2).
 Ponpon Road, 145, 154, 158, 161, 162 (2), 163 (2).
 Poor, 92, 94.
 Port Royal, 71, 80 (2), 81, 96, 100, 101, 162, 174; Harbor of, 77.
 Port Royal River, 16, 27.
 Powder, 28 (2), 29, 46, 64 (2), 153.
 Powder Receiver, Accounts of, 13, 28 (2), 33. (See Brewton, Col. Miles.)
 Precinct Courts, 40, 47, 62, 67 (2), 69 (2), 70, 167, 170.
 Prerogatives, The King's, 11, 89, 90, 92, 94.
 Presbyterian Meeting House, Charles Town, 29.
 President (of His Majesty's Council for South Carolina), 3, 4 (2), 6, 7, 8, 10, 13 (2), 14 (5), 15 (2), 18 (2), 19, 20, 24, 25 (2), 26, 30, 32, 33, 34 (2), 35 (2), 38, 39, 41 (3), 42, 46, 47, 48, 49, 60, 61, 70, 73, 83, 84, 86, 90 (2), 91 (2), 95, 96, 102, 115, 127, 143, 147, 156, 167, 174; Messages to the, 3, 5 (2), 6, 7 (2), 8, 9, 12, 12-13, 14, 15 (2), 18 (2), 19, 20, 24, 25-26, 30, 33, 34, 35-36, 36, 38, 42, 43 (3), 48, 48-49, 49-50, 50, 58, 62, 71, 73, 74-75, 81 (2), 81-82, 83, 87, 89, 90, 92-93, 124-125, 144, 154-155, 162, 173; Messages from the, 4, 5-6, 8, 13, 15, 19-20, 20, 21, 31, 33-34, 35, 43 (2), 44 (2), 48, 49, 51, 59-60, 60, 63, 65-66, 66, 81, 85, 87, 88-89, 90-91, 99, 118, 127-128, 128, 138, 149, 152, 153, 166. (See Middleton, Arthur.)
 Prince George's Parish, Winyah, 18, 97; Petition of Vestry of, 62.
 Printing, 150 (2), 154, 157.
 Privileges of House, Breaches of, 116.
 Proclamation Money, 67 (2), 148.
 Proclamations, 13, 43, 90.

- Provisional Governor, 11.
- Provost Marshal, 21 (2), 22 (3), 23, 24, 44, 67, 68, 69, 118, 119, 120, 121, 124, 125, 167, 170; Deputies of the, 167, 170. (See Harvey, Maurice.)
- Public Houses, 59.
- Public Receiver, 106, 141. (See Public Treasurer.)
- Public Treasurer, 7, 30, 31 (2), 32, 42, 77, 84, 86, 89, 90, 102, 103, 105, 111, 115, 132 (2), 150 (2), 154, 155, 156, 167 (2), 174; Accounts of the, 4, 7, 8, 12, 125 (2), 174. (See Treasurer.)
- Public Treasury, 7, 42, 67, 84, 85, 89, 102 (2), 115, 127, 140 (2), 147, 152 (2), 156, 166.
- Punch Houses, 92, 99. (See Bill on Taverns and.)
- Purry, Jean Pierre, 126, 127.
- Quarter House, 82.
- Quit Rents, 10.
- Rangers, 17, 21, 27, 31, 87, 101, 139 (2).
- Ratification, 175.
- Raven, Capt. John, 12, 21, 36, 45, 153, 154, 158, 159.
- Rawlins, James, 140 (2).
- Real, —, 120 (2).
- Receiver General, 59.
- Records and Papers, 166.
- Red Bank, Edisto River, 16, 26.
- Register, 10, 11.
- Reprimands, 24, 40 (2).
- Revolution (of 1719), 10.
- Reward, 13.
- Reynor, Thomas, 146.
- Rhett, William (1695-1729), 3, 4, 9 (2), 13, 17, 22, 23, 26, 29, 30, 33 (2), 39, 53, 57, 58 (2), 71, 74, 81, 85, 86 (2), 88, 91, 93, 94, 98, 99, 102, 106, 112, 116, 125, 128 (2), 129 (5), 143, 153 (2), 154, 157, 158, 159, 162, 163, 165, 168, 169, 170, 173 (2).
- Rhett's Bridge (Wharf), 76.
- Roads, 82 (2), 97 (2), 142, 162, 163 (2).
- Roche, Jordan, 146 (Roach).
- Rothmahler, —, 120.
- Rules, 116.
- Rum, 16, 27, 43.
- Saddles, 8, 9.
- Salaries, 83, 87, 89 (2), 91, 93, 98, 123, 140, 142, 156, 158, 159, 166 (2).
- Salkehatchie River, 16, 20, 21, 27.
- Salter, Mr., 64.
- Sanders (Saunders), Capt. William, 3, 8, 18, 19, 20, 26, 30, 41, 43, 74, 90, 93, 153, 170, 174.
- Santee River, 16, 26, 68, 144, 173.
- Satur, Jacob, 126.
- Savannah River, 88, 97.
- Savannah Town, 9; Garrison at, 9, 139.
- Schenckings, Benjamin, 8, 60.
- Schenckings's Square, Charles Town, 29.
- School Master, 156, 158 (2), 159 (2).
- Schools, 30, 33, 156, 158, 159, 168, 169 (2).
- Scout boats, 17, 27, 28, 35, 38, 41, 42, 101.
- Seal, 36, 43, 169, 174.
- Secretary of the Province, 4 (2), 5, 8, 10, 12, 13, 14, 15, 19, 20, 23, 25, 30, 31, 33, 35 (2), 38 (2), 41 (2), 43, 44, 48, 49, 50, 51 (2), 53, 54, 56, 57, 59, 60 (2), 63 (3), 65, 70, 73, 81, 83, 85, 86, 87, 88, 89, 90 (2), 91, 92, 93, 94, 95 (4), 96 (2), 97, 99, 116, 117, 118, 127, 128, 142, 143, 144, 145, 148, 149, 152, 153 (2), 156 (2), 157, 158 (3), 159, 160 (3), 161, 163 (2), 164, 165, 166, 167, 168, 169 (2), 170, 172, 173, 175; Deputy, 124. (See Hart, Charles.)
- Seneca Indians, 4, 6 (3), 10, 18.
- Servants, 68.
- Sharp, Mr., 124 (2), 149.
- Sharp, John, 6 (4), 8, 140, 141.
- Shelton, —, 6.

- Silver, 99.
 Simmons, Henry, 119 (4).
 Simons, Mr., House of, 76, 80.
 Skins, 144, 145 (2), 146.
 Slaves, 69, 119. (See Negroes.)
 Sleigh, Samuel, 41, 42.
 Smith, George, 4, 6 (2), 8, 9, 13, 21, 24, 25, 33 (3), 41, 46, 47, 56, 59 (3), 60, 90, 91, 94, 117, 138, 139, 142, 154 (2), 158, 162, 163, 165 (2), 168, 169.
 Smith, Landgrave Thomas, 4, 14 (3), 40, 55, 62, 85, 87, 90, 92, 93, 98 (2), 138, 142, 148, 149; Memorial of, 44.
 Society for the Propagation of the Gospel in Foreign Parts, 159 (2).
 Solicitors, 59.
 Souchet, Paul, 140 (2).
 Southerland, Capt. James, Representation of, 60, 62.
 Spain, 83.
 Speaker (Thomas Broughton), 3 (3), 5 (2), 7, 9, 25, 32, 33, 40 (2), 42 (2), 84, 102, 115 (2), 156, 167, 173, 174; Illness of, 48.
 Squatters, 10.
 St. Andrew's Parish, 82, 139, 145.
 St. George's Parish, Dorchester, 30, 33.
 St. James's Parish, Goose Creek, 82, 139, 141 (2), 145, 148.
 St. John's Parish, Berkeley, 86, 91, 93, 95, 99, 141, 148; Petition of Inhabitants of, 72, 95, 141.
 St. Julien, Peter, 3, 7, 24, 44, 46, 63, 74, 81, 82, 84, 86, 93, 96, 99, 116, 158, 162.
 St. Philip's Parish, 74, 82 (3), 118, 139, 145, 153; Petition of the Vestry and Church Wardens of, 139; Parsonage of, 139.
 Standish, David, Petition of, 141-142.
 State of the Country, 53.
 Statute of Limitation, 44.
 Stevenson, John, 40 (3), 48, 119.
 Stewart, Alexander, 87; Memorial of, 96.
 Stewart, Capt. Archibald, 17, 26 (3), 28, 30 (3), 31 (6), 32 (4).
 Stono River, 142, 154, 158, 161 (2); Petition of Inhabitants residing on the South Side of the North Branch of, 86.
 Stores, 77 (2).
 Sugar, 16, 27.
 Summons, 170, 171, 172 (3), 173.
 Supreme Court, 23, 36.
 Surveyors, Bill to Regulate, 69.
 Swiss Settlers for South Carolina, 59, 60, 85 (2), 86 (2), 88 (2), 96 (2), 97 (3), 117, 118, 125, 126, 127, 143 (2).
 Switzerland, 126 (2).
 Tabby, 77.
 Tanning, 44.
 Taverns, 92, 99, 116. (See Bill on.)
 Taxes, 21, 30, 31, 32, 52, 59, 74, 85, 86, 128, 136, 152, 156, 158; Bill to raise, 8, 32, 87, 124 (2), 143, 158, 160 (3), 161 (2), 162.
 Timber, 10.
 Townsend, Lord, 25.
 Tozer, —, 121 (2).
 Trade, Indian, 39, 52, 55; Essay on Indian, 5; Acts Regulating, 37, 142, 144.
 Trade and Navigation, 81.
 Treasurer, Public, 7, 30, 31 (2), 32, 42, 77, 84, 86, 89, 90, 102, 103, 105, 111, 115, 132, 150 (2), 154, 155, 167 (2), 174; Accounts of the, 4, 7, 8, 12, 125 (2), 174. (See Par- ris, Alexander, Public Treas- urer.)
 Treasury, Public, 7, 42, 84, 89, 102 (2), 115, 127, 140 (2), 152 (2), 166. (See Public Treasury.)
 Trench, Alexander, 90.
 Trott, Nicholas, Collection of the Laws of South Carolina by, 6, 14 (4), 167 (2), 172, 175.
 Tuscarora Indians, 4, 6, 10, 14, 15, 18.
 Usher of Free School, 159.

- Vagabonds, 92.
 Vallet, Mrs., 127.
 Viart, Paul, 120 (2).

 Walpole, Sir Robert, 25.
 Wallis's Bridge, 97.
 Wando Precinct, 38, 40; Complaint
 against Judges of, 45; Address of
 Inhabitants of, 53.
 War, 55, 77, 81, 83.
 Wassamassaw Precinct, Petition of
 Inhabitants of, 60, 62.
 Watch, Charles Town, 71, 157 (2),
 159, 160, 161, 162, 163.
 Watch House, Charles Town, 35.
 Watson, John, 40.
 Watt, Lieutenant, 97, 100, 152 (5),
 156.
 Wawee Indians, 39.
 Westo Savannah, 145, 154, 158, 161,
 162 (2), 163 (2).
 Whitaker, Benjamin, 3, 4, 6, 8, 14
 (2), 26 (2), 42, 44 (2), 45, 46,
 47, 49, 52, 54 (2), 55, 57, 59, 72
 (2), 73, 91, 92, 106 (2), 109, 112,
 121, 122 (3), 128 (2), 129 (4),
 138, 141, 142, 153, 154, 155, 166,
 169, 174; Complaint of, 45.

 White Point, Charles Town, 77, 79.
 White Servants, 12, 16, 21, 26 (2),
 27, 28, 30 (2), 31 (4), 32 (3),
 143, 160; Bill to prevent desertion
 of, 130.
 White Settlers, 43 (2), 44.
 Wiggan, Eleazer, 70, 71, 102, 116.
 Will Town, Complaint of the Jus-
 tices of the Precinct Court at,
 69, 70.
 Windmill, Charles Town, 77.
 Wine, 16, 27, 123.
 Winyah Indians, 14, 39.
 Winyah (Black) River, 68.
 Wood, —, 120.
 Wood, Alexander, 146 (3).
 Woodward, Col. John, 71, 174.
 Wragg, Mr., 123.
 Wragg, Samuel, 165.
 Writ, 170, 172 (3), 173.
 Wyatt, —, 119 (6).

 Yamasee Indians, 15, 74 (2), 81.
 Yarman, Peter, 24.
 Yonge, —, 120 (5), 121.
 Yonge, Francis, Agent of the Prov-
 ince in Great Britain, 6 (3), 72,
 123, 149, 165.

